

# The Role of Canada's Child and Youth Advocates: A Social Constructionist Approach

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## Abstract

In the absence of a federal Children's Commissioner in Canada, the mandates of the provincial and territorial Child and Youth Advocates have evolved primarily to protect and promote children's rights. Although research exists on the rights of marginalized youth, relatively little attention has been paid to the growing role of the Canadian Council of Child and Youth Advocates. As a consequence, the aim of this research was to address a knowledge gap by investigating the Canadian Council of Child and Youth Advocates and examine their understanding and articulation of child and youth advocacy in Canada. The study further aimed to uncover the opportunities and barriers associated with their day-to-day work. A critical ethnography was employed involving five former and current members of the Council (including members from the Prairies, central Canada and eastern Canada). In line with the intent of the study, a discourse analysis was also undertaken to explore relevant child and youth advocacy policy documents, media pieces, and legislation. The results of this study indicate that child and youth advocacy is best understood as a complex phenomenon, and as such, various opportunities assist the Council members' work. On the other hand, certain barriers also hinder the work, which ultimately affects the many groups of vulnerable children and youth with whom the Offices engage. The findings of this study demonstrate the need to appoint a Canadian Children's Commissioner to liaise with the Council in an attempt to improve the current state of child and youth advocacy in this country and help ensure that no children fall through the cracks of Canadian society.

*Keywords:* Canadian Council of Child and Youth Advocates, Children's Rights, Critical Ethnography, Discourse Analysis, Children and Youth.

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## **CHAPTER ONE: INTRODUCTION**

In 2007, the Senate Standing Committee on Human Rights highlighted Canada's status as, "[One] of the few countries in the developed world that does not have a permanently funded mechanism designed to monitor the protection of children's rights" (Senate of Canada, 2007, p. 202). The Committee's report also emphasized the importance of establishing a Children's Commissioner at the federal level in Canada to "promote responsible and good governance, and provide a seamless service delivery to children" (p. 202). Across Canada, systematic barriers prohibit provincial and territorial Child and Youth Advocates from the fullest provision of "seamless" services to young people, and while the Senate Committee acknowledged this issue, they also recommended that Canada's Children's Commissioner be an Officer of Parliament, appointed to embody formal investigative powers on behalf of young people (Senate of Canada, 2007, p. 202; see also Whitehead, Bala, Leschied, & Chiodo, 2004).

These investigative powers are particularly important in the daily functions of Children's Commissioners and Child and Youth Advocates in national jurisdictions throughout the world as they embody authority and accountability to counteract ongoing and substantial threats of career termination these individuals and their associates face. Such statutory supports will be essential to the ultimate functioning of a Canadian Children's Commissioner in acting as a spokesperson for young people, and in conducting systematic investigations associated with policy and practice (Senate of Canada, 2007, pp. 206-207). The reluctance of Parliament is perhaps one of the principal reasons the Office has yet to be established. Children's Commissioners have been established in regions throughout the world (for example, in England, Wales, Northern

Ireland, the Republic of Ireland, Australia and New Zealand to name a few), to fulfill these objectives and thereby advance the field of advocacy with and for young people. Internationally, awareness of child and youth advocacy has increased since the implementation of the United Nations Convention on the Rights of the Child or CRC (United Nations, 1989) and the ongoing reporting mechanism under Article 44 that is published by the Geneva-based United Nations Committee on the Rights of the Child (Concluding Observations on Canada, 1995, 2003, 2012). While this process occurs largely without notice in Canada, these “Concluding Observations” have been the source of draft “child rights jurisprudence...created by the States Parties and others that submit reports to the Committee, as well as by the Committee’s reviewing process” for many nations (Price-Cohen & Kilbourne, 1998, p. 643; see also Payne’s 2002, 2003 analyses of United Kingdom precedents). This United Nations Committee has repeated similar recommendations to those of our own Senate for implementation of federal statutes supporting the establishment of a Children’s Commissioner in Canada. These arguments have thus far been ignored by the ruling parliamentarians of both governing parties with one of the many resulting negative outcomes being a continued and profound lack of information on the CRC by those most affected – young people themselves (Senate of Canada, 2005, 2007; see also Mitchell, 2005, 2010). Bearing these antecedents in mind, it is clear that a gap remains in Canada with regard to domestic advocacy on behalf of young people – particularly impacting those most vulnerable, exemplified by the situation confronting Indigenous women and girls (Human Rights Watch, 2014).

Beyond our borders, Children’s Commissioners monitor, investigate, and raise awareness of the CRC while also liaising with children and youth in their day-to-day

work. However, as the Senate's Human Rights Committee rightly observed, the CRC has not yet been incorporated into Canadian law, and therefore, cannot be used as a direct basis for any claim (Senate of Canada, 2007, p. 44). This legislative gap constitutes the central underlying issue in regard to inadequate implementation in both letter and spirit of the Convention on the Rights of the Child in Canada. Canada's overall handling of its treaty obligations and implementation processes are the primary obstacles to the effective protection of children's rights in Canada, and point to why so many marginalized groups of children remain in a wealthy nation such as ours. The chief advisor for advocacy at UNICEF Canada, Marv Bernstein (2011), highlights the implications:

There are about seven million children in Canada – almost a quarter of the population – who have little or no voice in the decisions that affect them. There are critical areas of federal jurisdiction over which provincial and territorial child and youth advocates have no authority – divorce, youth criminal justice and immigration, in addition to Aboriginal matters. If we don't appoint a National Children's Commissioner, Canada is at risk of continuing to lag behind other industrialized countries on many measures of child well-being. (para. 12)

In this thesis, a deeper analysis of the literature exploring the processes involved in professional child and youth advocacy are presented as a way to shed light on the marginalization of many young people in Canada.

In understanding the work of Child and Youth Advocates both internationally and in the Canadian context, it is first essential to provide a foundational understanding of what 'advocacy' entails. According to Cutter, Fenn, and Seath (2014):

Advocacy is the strategic and deliberate process to bring about change in policies and practice. It can happen at local, national, regional and international levels, and an advocacy strategy that seeks to achieve comprehensive change should involve coordinated activity at all levels. Advocacy can go beyond aiming simply to change policies, to challenge and change how people perceive their ability to influence decision-making processes. (p. 18)

This definition provides a concrete understanding of what child and youth advocacy entails in both local and global contexts, and is insightful for how to promote and protect young people under the CRC.

Beyond the advocacy arena, at the federal level members of the Senate Committee on Human Rights observed that the CRC remains unrecognized, “In government, even among those dedicated to protecting children’s rights, knowledge of the Convention is spotty at best” (Senate of Canada, 2005, p. 5). As the field of child and youth advocacy continues to progress internationally, the profile of provincial and territorial Child and Youth Advocates grows, while at the same time, adding impetus for the creation of a national Children’s Commissioner to act as a liaison in monitoring and protecting young people’s human rights.

### *Research Aims and Questions*

The aim of this present study is to critically analyze the experiences of both former and current members of the Canadian Council of Child and Youth Advocates by exploring their understanding and articulation of child and youth advocacy in Canada. Through this qualitative piece of research, my aim is to develop an understanding of the barriers and opportunities associated with their day-to-day roles by examining, specifically, their own views and insights concerning child and youth advocacy in Canada. As such, the following research questions guided the study and were formulated to address existing gaps within the literature:

1. How do Child and Youth Advocates understand and articulate the role of child and youth advocacy in Canada?
2. What are the opportunities and barriers associated with professional child and youth advocacy in Canada?

Specifically, the study adopted an inductive, emergent, and exploratory design through the use of critical ethnography. This qualitative methodology, seeks to “[O]ffer a powerful means of critiquing culture and the role of research within it” (Thomas, 1993, Preface, vii). Ethnographic research further aims to capture the shared experiences, behaviours, beliefs, values, language, and interactions of the group under study (Creswell, 2013, p. 90). Ethnographic procedures, which included 5 audio taped, person-to-person, open-ended, key informant interviews, were carried out and later transcribed. Additionally, a discourse analysis of relevant policy documents, legislation, and media pertaining to child and youth advocacy, was undertaken to augment the interview data and understand how Child and Youth Advocates articulate child and youth advocacy and the barriers and opportunities they face in their day-to-day work. Data analysis followed the application of Wolcott (1994) and Creswell’s (2013) thematic derivation procedure which included description and analysis of the selected data. Ultimately, this roadmap led to the main findings of the study and contributed to an investigation of child and youth advocacy in Canada.

#### *Standpoint and Ontological Position of the Researcher*

The research aim(s), question(s), methodological design, and interpretation of findings of this study, have been shaped specifically by my own epistemological and personal standpoint. Particularly, this standpoint recognizes the importance of hearing the voices and views of young people to ensure their rights to participation and decision making are valued and taken into consideration. My academic experiences in Child and Youth Studies (B.A.), coupled with my practical work as an after-school teacher, youth employment counselor, camp director, support staff at a supervised access centre, and

family visit worker at The Children's Aid Society, have shaped my ontological beliefs in promoting participation and deconstructing power relations between adults and young people.

While I do hold a sense of power and authority in my work with and for children and youth, I also recognize my potential as a woman to be marginalized in the same way young people tend to be controlled and governed by adult figures. Moore (2011, p. 154) highlights the link between children and women as social beings: "there is a striking parallel between the evolution of feminist research. . . .to gendered analysis and feminist standpoint theory – and emerging directions for studies of children and childhood" (from Levison, 2000, p. 126). As such, my standpoint entails the fostering of an egalitarian perspective towards children to promote democratic opportunities and justice. As Moss and Petrie (2002), contend in their preface, "[Different] ways of thinking about children produce different childhoods, different public provisions for children (including schools) and different ways of working with children. [How] we understand children and make public provision for them involves political and ethical choices." With this in mind, I believe that our perceptions of children remain evident within our work and affect the way we act and interact with young people. Creswell (2013) contends, "A close tie does exist between the philosophy that one brings to the research act and how one proceeds to use a framework to shroud his or her inquiry" (p. 15). As competent and powerful beings, I believe that children actively contribute to the construction of their own social worlds:

[Children] are perceived as actively involved in the co-construction of their own lives. From this perspective, children are viewed as active agents who construct their own cultures and have their own activities, their own time and their own space. (Waller, 2005, p. 61)

These understandings have shaped the way I have designed and interpreted the findings of the current study.

## **CHAPTER TWO: REVIEW OF RELATED LITERATURE**

The implementation of the CRC in 196 nations over the past 25 years - some with a number of reservations - has led to an understanding of children as fuller citizens with fundamental rights (Mitchell & Moore, 2012; Senate of Canada, 2007; Thomas, et al., 2010). By ratifying the CRC in 1991, Canada made a commitment to protect these rights, but despite these obligations, repeated studies show that a large majority of young people lack basic knowledge of the treaty (Mitchell, 2005; Senate of Canada, 2007). In the absence of a federal Children's Commissioner in Canada, the mandates of the provincial and territorial Child and Youth Advocates have evolved primarily to protect and promote children's rights (Senate of Canada, 2007). While much domestic research exists on the rights of marginalized youth (Grover, 2004; Howe and Covell, 2007; Mitchell, 2005), to date relatively little attention has been paid to the growing role of the Advocates across Canada.

It is, therefore, my aim to firstly identify and discuss the sociology of childhood as a congruent pertinent theoretical framework that guides the current study. As a theoretical framework, the sociology of childhood (James & Prout, 1997; James, Jenks & Prout, 1998/2005; James & James, 2004; Matthews, 2007; Mayall, 2002) will be adopted to explore the literature relating to the study. Specifically, I will review relevant literature revealing the current and dominant understandings of children and childhood in today's 21<sup>st</sup> century. Following this, I will investigate the literature that explores the role of the Canadian Council of Child and Youth Advocates along with the day-to-day

responsibilities of federal Children's Commissioners around the globe. Finally, I will explore the CRC as an efficient tool used by the Advocates to conceptualize young people as rights-holders and active participants in society.

### *Theoretical Framework*

As a guiding framework for the current study, the 'new sociology of childhood' (Matthews, 2007; Moss & Petrie, 2002) was selected as a lens through which to view children and youth as competent and capable social beings, and to better understand advocacy on their behalf. Following this, the framework is anchored in critical social pedagogy which according to Kaufmann (2000, p. 432) in Moore, (2011, p. 354) "[encourages individuals] to think, to reflect, and to act, in order to create a more democratic egalitarian society." This perspective works in conjunction with acquiring a rights-based approach to working with children. According to Mitchell (2003), a rights-based approach "offers a reflexive, democratic style of thinking and praxis that facilitates the emergence of children and young people as collaborative co-participants in research, policy and practice settings" (p. 289).

Like Moss and Petrie (2002) and Waller (2005), the American sociologist Matthews (2007) argues that young people are indeed conceptualized as vulnerable beings due to adult thought and action. However, Matthews (2007) also suggests that in response to traditional "expert models" within disciplinary silos that frequently subsume the voices, views and experiences of young people, the "new sociology of childhood" (p. 322) acts as a clearer lens to understanding and viewing children as competent beings (see also British sociologists: James & Prout, 1997; James, Jenks, & Prout, 1998). Matthews (2007) argues that there is a demonstrated need for this new sociology to



address faulty thinking within traditional approaches to teaching childhood theory in order to understand children as social actors capable of making meaning of their own lives and those of adults.

The sociology of childhood serves as an appropriate theoretical and analytical approach since the authors in this discourse are critical towards dominant, deficit-driven notions of children's experiences deeply embedded within traditional developmental psychology, social work, youth justice and psychiatric frameworks such as the DSM-system (see Liegghio, Nelson, & Evans, 2010; Mitchell, 2003). The tragic story of young offender (and, eventually, short-lived adult inmate) Ms. Ashley Smith is one of the growing list of deaths of young people within Canadian service delivery systems that illustrates how faulty thinking wreaks havoc (Richard, 2008; Ring, 2014; also Human Rights Watch, 2014). At the young age of 15 years old, Ms. Smith had been before juvenile court countless times for multiple instances relating to minor offenses such as trespassing and causing disturbances. As a result of this behaviour, Ms. Smith was admitted to the New Brunswick Youth Centre which is where she remained for the next three years of her life. During this time, Ms. Smith underwent a psychological assessment which indicated an array of mental health issues including: adjustment disorder, attention deficit hyperactivity disorder, narcissistic personality traits, oppositional and defiant behaviour, borderline personality traits, post-traumatic stress disorder, and possible Asperger's syndrome. Despite these findings, when Ms. Smith turned 18 years old, she was unhesitatingly transferred to an adult penitentiary without a psychological assessment. Throughout the duration of incarceration, Ms. Smith was transferred various times to different adult facilities and spent most of her time in segregation as a result of

her behavior. For years, Ms. Smith was deprived of her basic human rights and subjected to de-humanizing treatment in solitary confinement. Sadly, her voice, views and needs were ultimately subsumed and silenced and as a result, she paid with her life when she committed suicide under the watch of facility correctional guards in 2007 at the Grand Valley Institution for Women in Kitchener, Ontario (Richard, 2008; Ring, 2014; also Human Rights Watch, 2014). Cases like Ms. Smith's highlight the importance of understanding the diverse and unique experiences of young people, along with the need to identify interdisciplinary power struggles that remain evident in many of the different child-service delivery systems (Richard, 2008). In line with this, a look into the sociology of childhood can provide an alternative perspective to the dominant developmental approach drawn upon by most policy makers, professionals engaged with young people, civil-society stakeholders and other adult gatekeepers aspiring to value and respect young people as they recognize their position as citizens in society, with participatory rights.

While the sociology of childhood can no longer rightly be identified as “new” in Canada or elsewhere, it nevertheless remains on the periphery of research, legislation, policy and practice in much of the North American research community when investigating the lives and experiences of children and young people. According to Maguire (2005) “[e]xpectations about children’s agency, competence and participation in research are slow to change” (para. 8). In universalizing childhood, dominant discourses portray children as passive recipients in the linear trajectory of processes related to development, and although biologically children do grow in terms of their physical and intellectual capacities, the ways in which childhood is socially, culturally and politically constructed have profound implications: “The immaturity of children is a biological fact

of life but the way in which this immaturity is understood and made meaningful is a fact of culture” (James & Prout, 1997, pp. 7-8). Scholarly criticisms of the new sociology of childhood highlight the potential danger of categorizing all children’s experiences as distinct while overlooking common features that are applicable regardless of ethnicity, religion, poverty, gender, sexual identity or ability. Jenks (1996) emphasizes the possibility of multiple childhoods to highlight the plurality of children’s experiences throughout diverse settings:

Both the socialization and the developmental psychology perspectives push scholars to write about children as if all children were the same regardless of social location or context. The ‘new’ sociological perspective stresses the ‘plurality of childhoods’ not only within the same society but also across the settings in which children conduct their everyday lives. (p. 121)

As a sociologist from the United Kingdom, Jenks reveals the importance of understanding the variety of different childhood experiences across both time and space.

In their study looking at the use of participatory action research with child mental health in Canada, Liegghio et al. (2010) also adopted a sociological lens to shape their design and analyze their findings, revealing how this perspective provided young people with a sense of hope, inspiration, and a set of useful tools for improving their overall health and well-being. These authors adopted the sociology of childhood to highlight and contrast the ways in which the dominant discourses embedded within psychology and psychiatry have stigmatized and labeled young people with mental health issues as individuals who are mentally ill (Liegghio et al., 2010). Mitchell (2003) argues that as one frequent outcome adult power exerts a maladaptive form of control on the lives of young people as they formulate decisions based on their beliefs of what is in the ‘best interests of children’ while rarely listening to their views. Positioned as a consequence of

their younger age and perceived lack of competence, adult power is the most significant unit of analysis in the lives and experiences of children and youth. British researcher and educator Phil Scraton (1997) astutely observes the implications:

Adult power dominates their personal and social lives and is institutionalized in ‘caring’ and ‘disciplining’ agencies alike. As has been evident in the plethora of contemporary scandals, it is power readily and systematically abused. It is a dangerous and debilitating power, capable of stunting the personal development and potential of even the most resilient children. It is physically and mentally painful, damaging good health and often wreaking havoc in those interpersonal relationships which require love, care and trust. What is so difficult for adults, as the power-brokers, to accept is that the “crisis” is not one of “childhood” but one of adultism. (p. 186)

Consequently, many children and young people experience oppression within such systems as education, mental health, child welfare and foster care, and youth justice (Mitchell, 2015; Senate of Canada, 2007). Blanchet-Cohen and Salazar (2009) highlight four essential practices that aim to strengthen partnerships between oppressed youth and adult practitioners which include investing in relationships, building on strengths, finding common spaces and mutual accountability. The authors contend that these components can help to:

[O]ffer insight and direction to move away from the dominant hierarchy in which adults are providers and youth are receivers, and provide fertile ground for systematic changes which acknowledge inequalities so youth and practitioners can collaborate in creating more inclusive communities. (Blanchet-Cohen & Salazar, 2009, p. 5)

### *Discourses Surrounding Children and Childhood*

Deriving from French post-structuralists such as Michel Foucault in the 1980s, a “discourse” is defined by Phillips and Hardy (2002) as “an interrelated set of texts, and the practices of their production, dissemination, and reception that bring an object into

being” (as cited in Liamputtong, 2011, p. 287). This understanding will serve to define the term ‘discourse’ in my thesis.

Contemporary scholars exploring traditional Western discourses defining childhood and youth in the 21st century have attempted to reveal some of the faulty thinking associated with related research (Lam, 2002; Moss & Petrie, 2002). Mitchell (2003) highlights the importance of adopting a qualitative research approach to understanding young people’s lives as he critiques traditional quantitative approaches that aim to standardize and homogenize their diverse experiences. These interpretive scholars emphasize three problematic discourses in their analyses of childhood ideologies: the child as becoming; the child as vulnerable; and the child as a blank slate (Lam, 2002; Matthews, 2007; Moss & Petrie, 2002). While the authors highlight how these images of children and childhood can be problematic, it is not to state that they completely disagree with the discourse of the ‘weak, poor, needy’ child (Moss & Petrie, 2002, p. 55). Moss and Petrie (2002, p. 55) contend:

First, to problematize – question – a dominant image of the child as ‘weak, poor, needy’ is not to deny that children are, in many respects, at a disadvantage compared to adults; it is not to deny that many children are living in material poverty; it is not to deny that children have needs....Instead, our questioning is partly about proportionality and perspective. Why, as a society, do we [choose] mainly to talk about about and portray children in such negative ways?

Alternatively, such scholars have emphasized the importance of focusing more so on the possibilities of children, as opposed to their needs. These same authors explain: ‘why talk more about the needs of the child, than the possibilities or rights of the child?’ (Rinaldi, 1999, in Moss & Petrie, 2002, p. 56). Following this, the dominant (and negative) Westernized discourses surrounding children and childhood, are explored in an attempt to

understand the importance of advocating with and for young people to re-conceptualize children as strong, capable beings.

In labelling young people as individuals in the process of becoming, Moss and Petrie (2002) contend that children are most often viewed as passive recipients in the course of development:

Each stage of childhood is preparation, or readying, for the next and more important, with early childhood devalued for its immaturity yet recognized as a necessary foundation for successful progress through later life. This child therefore is defined as lacking, deficient, passive, incomplete, under-developed – and the more so the younger the child is. (Moss & Petrie, 2002, p. 58-59)

As a result, young people represent their potential as future adults or as members of a system of economic production, whilst awaiting a matured intellect and skill capacity (Moss & Petrie, 2002). Lam (2002) investigates the idea that children's experiences are socially constructed and they become both imminent and passive recipients. In Lam's view, these discourses are the products of adult thought, which shape and construct the 'best interests of the child'. Lam (2002) explains:

[S]ince children are generally in a subordinate position in society in relations or interactions with adults, a number of social constructionists maintain that childhood is basically a product of what adults think and do: children are brought into being through the dominant discourse including ideas, concepts, knowledge and modes of speech that constitute social practices and institutions created by adults. (p. 148)

In this sense, Moss and Petrie (2002) and Lam (2002) argue that children are portrayed as social beings in need of shelter and protection while remaining underdeveloped and incapable of continuity. These portrayals are problematic because they do not consider the rights and views of young people, which highlights the importance of advocating with (and for) children and youth; especially those who are considered particularly

marginalized (i.e: children with exceptionalities, aboriginal youth, children and youth in care of the state, young people involved in the justice system, etc.). In doing so, the views and perspectives of children and youth themselves may be considered and understood. Moss and Petrie (2002) further argue that young people are perceived as vulnerable beings as they reside in the so-called golden stage of their lives: “This image of the child generates in adults a desire to shelter children from the corruption of the world, by finding the means to offer children protection, continuity and security” (p. 59). Moreover, these authors assert that throughout their childhood, young people embody a sense of innocence that encourages adults, specifically parents, to provide full protection and shelter from the external world. As a consequence, children become increasingly reliant and dependent on their immediate family as they refrain from establishing any type of relationship with the external world. Although Lam (2002) highlights the ways in which children are portrayed as vulnerable beings, he further argues that these notions of vulnerability are embedded into all aspects of children’s lives, including both interpersonal and institutional domains. Although it may be true that young people do indeed require a sense of protection and security from their caregivers, this notion should not serve to completely compromise the capabilities and competencies of children and youth. Moss and Petrie (2002) state:

[T]here are no ways of talking about children being located in a network of relationships, stretching both within and outwith the home, a discourse which emphasizes connectedness rather than the exclusivity of the parent/mother-child relationship. (p. 59)

The third discourse that Moss and Petrie (2002) challenge concerning the lives of young people is the child as *tabula rasa*, or a blank slate to be shaped and molded by

adults who can inscribe knowledge and merit into their lives, as they proceed along the developmental trajectory. According to these authors:

[T]his child is passive or perhaps pre-programmed, and so the subject of technologies which ensure an efficient process of reproduction or transmission of knowledge, skills and dominant social values which successfully installed, ensure the best rate of return on the investment made by parents or government. (Moss & Petrie, 2002, p. 58)

Similarly, Matthews (2007) advocates that children are not actually born as blank slates.

Instead she argues the reverse:

There is increasing evidence, however, that infants are not blank slates (Pinker 2002) but come equipped with remarkable minds programmed to be receptive to and to make sense of what is going on around them in both the social and physical worlds. (Matthews, 2007, p. 323)

Matthews (2007) expands and argues that young people are conceptualized as vulnerable beings as a result of adult thought and action. She also suggests that traditional ‘expert’ models frequently subsume the voices, views and experiences of young people within their disciplinary silos, while observing the “new sociology of childhood” (p. 322) acts as a clearer lens to view and understand children as competent beings. In this way, Matthews (2007) demonstrates how this new sociology addresses faulty thinking within traditional parameters of teaching childhood theory in order to understand children as social actors capable of making meaning of their own and adults’ lives. Although Lam (2002) and Moss and Petrie (2002) challenge discourses surrounding children and childhood, Matthews (2007) suggests that the sociology of childhood serves as an antidote to reconceptualize thinking in the 21st century.

*Children: Who are They?*

According to Matthews (2007) and Moss and Petrie (2002), there is an alternative and empowering conceptualization of young people that has seemingly gone unnoticed.



These modern understandings are shaped and framed by the ‘new sociology of childhood’ which evidently highlights children and youth as knowledgeable beings.

Matthews (2007, p. 324) contends:

Adler and Adler (1998) describe an elaborate peer culture developed by preteens in a Colorado town, both in and out of school, that operates within structures ostensibly controlled by adults. Researchers willing to grant competence to children are discovering that they do not simply adopt the culture of adults who presumably are socializing them, but use it to create their own peer cultures. The ‘new’ sociology of childhood emphasizes that children are social actors who are capable of reflexivity.

Specifically, these notions and ideas around children as meaning-makers is evident within the field of health research. To start, previous scholars have emphasized the need to conduct research with children and youth in order to understand their diverse experiences. Brady, Lowe and Olin Lauritzen (2015) argue:

Much of the research to date has been for or on children and has focused on promoting health, detecting illness and its causes or investigating the social determinants of health. While these make vital contributions to making the world better for children and young people, we would argue there is also a need for research with children, research from a child perspective, to fully understand the meaning and impact of health and illness in children’s lives. (p. 173)

Similarly, Liegghio, Nelson and Evans (2010) advocate for a sociological perspective to understand how the participation of young people can contribute largely to the field of mental health. Specifically, the authors assert that this view can positively enhance the state of mental health for young people by involving them in developing new and improved intervention and prevention tactics as well as community-building strategies that can be used to inform policy and practice in the health care domain. The authors explain:

At this particular point in time in North American history, it might seem radical, naive, or hopelessly idealistic to think of children diagnosed with mental health issues, let alone any children, as active, capable agents who have rights and who can participate equally with mental health researchers and professionals in any

kind of research endeavor that might improve the quality of life of children with mental health issues. However, one should never underestimate the power of ideas, the power of hearing the voices of marginalized people, or the power of collective action, no matter how small in scope, for catalyzing social change. (p. 96)

In line with this, Brady *et al.*, (2015) argue that it is crucial to explore the lived experiences of young people who are engaged in the health-care sector in order to pinpoint the ways in which they can serve as ‘health actors’ (p. 178). The authors expand on this notion:

We acknowledge that in the field of child health, the views of children, as service users, are beginning to be sought, often through consultation or evaluation. However, perhaps unsurprisingly, the social and political context of lay/professional, adult/child interaction and embedded social relations and structures are often not explicated thoroughly enough to provide a deeper understanding of the experience of children. Consequently, the data gained from such exercises can be superficial. Crucially, we cannot fully understand the impact and meaning of health and illness in children’s lives without bringing in children’s experiences, understandings, competence and agency in dealing with these issues (Mayall 1996, 1998 in Brady *et al.*, 2015, p. 178).

Advocates of the sociology of childhood recognize and acknowledge the need to deviate away from negative discourses surrounding children and childhood in an attempt to truly understand the lived experiences of young people in the various, dynamic service-delivery sectors. In line with this, Sevenhuijsen (1999, p. 123) in Moss and Petrie (2002, p. 81) also highlights how certain policies are designed to control and govern many young people within these delivery systems:

Policy texts are sites of power. . . . By establishing narrative conventions, authoritative repertoires of interpretation and frameworks of argumentation and communication, they confer power upon preferred modes of speaking and judging, and upon certain ways of expressing moral and political subjectivity. Through examining official documents in this way it becomes possible to trace both the overt and hidden gender load in their vocabulary.

Although scholars have attempted to re-conceptualize traditional understandings of young people it is also imperative these ideologies are recognized at a practical level as

well. With this in mind, the importance of child and youth advocates in the lives of young people remains more prevalent than ever before as these individuals have the opportunity to collaborate with young people and involve them in their work in order to re-create the meaning of citizenship and participation for marginalized groups of youth.

### *Canadian Council of Child and Youth Advocates*

As the leaders of the growing field of professional advocacy, members of the Canadian Council of Child and Youth Advocates (2011) strive towards giving a voice to the various populations of young people who come into their offices and under their review (Grover, 2004; MacLean & Howe, 2009; Senate of Canada, 2007). Eleven Council members representing distinct provinces and territories comprise the current constellation of the Canadian Council of Child and Youth Advocates. According to Whitehead and colleagues (2004), a key element of their mandates involve the protection of and participation of children and young people within their Offices and in the broader services they offer to society at large; the CRC acts as a guiding framework for the mandates granted to the Advocates. Many of the official websites of the Advocates explicitly state their commitment to improving the lives of young people through the implementation of the CRC:

The Council's work is based on its commitment to uphold the rights proclaimed in the United Nations Convention on the Rights of the Child. Although mandates differ provincially, Council members share a common commitment to further the voice, rights and dignity of children and youth. (Saskatchewan Advocate for Children and Youth, 2009, para. 3)

Across Canada, Offices are located in British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec, New Brunswick, Newfoundland and Labrador, Nova Scotia,

Nunavut, and the Yukon (Canadian Council of Child and Youth Advocates, 2014). The Council includes six female members: Mary Ellen Turpel-Lafond, British Columbia's Representative for Children and Youth; Darlene MacDonald, Manitoba's Children's Advocate; Carol Chafe, Advocate for Children and Youth of Newfoundland and Labrador; Christine Delisle-Brennan, Acting Ombudsman of Nova Scotia; Sherry McNeil-Mulak, Nunavut's Representative for Children and Youth; and Annette King, Yukon Child and Youth Advocate. The remaining Council members are: Del Graff, Child and Youth Advocate of Alberta; Bob Pringle, Saskatchewan Advocate for Children and Youth; Irwin Elman, Provincial Advocate of Ontario and President of the Council; Camil Picard, Vice-President of Quebec's Jeunesse Commission des Droits de la Personne et des Droits de la Jeunesse (Youth Vice-President, Commission on Human Rights and Youth Rights); and Norman Bosse, Child and Youth Advocate of New Brunswick (Canadian Council of Child and Youth Advocates, 2014). Although Whitehead et al. (2004) fall short in outlining the exact titles, roles and positions of the Canadian Advocates, these authors do reveal that the leading objective of each Advocate is to facilitate and highlight the voices and views of young people in their jurisdictions. Former New Brunswick Child and Youth Advocate, Bernard Richard (2008), argues that the Canadian Advocates face difficult challenges in attempting to fulfill their well-intended objectives (see also, Senate of Canada, 2007).

Council members campaign publicly in various print and electronic media and engage in consultations with governments for new policies and practices beneficial to young people. This was highlighted in a recent case involving British Columbia's Advocate, Mary-Ellen Turpel-Lafond, arguing against a provincial tuition clawback for

students who had formerly received foster care services (Culbert, 2014). Council Advocates also attempt to influence legislators, policy-makers and professional practitioners across relevant systems involving children by informing service delivery systems, in child welfare and protection and youth justice particularly, of common issues affecting the human rights of young people. Around the world, Children's Commissioners have also been appointed to represent distinct countries and the children and youth that reside in these areas. At the federal level, these individuals hold an increased sense of power and authority that is in line with their responsibilities to represent an entire nation.

#### *Children's Commissioners: Child and Youth Advocacy Abroad*

A variety of academic and media sources have explored the roles, mandates, and objectives of Children's Commissioners around the globe (Senate of Canada, 2007; Payne, 2002; Bernstein, 2011). In both developed and less developed settings abroad, child advocacy is socially and legally constructed through statutory supports for the role of Children's Commissioners; their relationship to young people is framed distinctly by domestic statutes drawn from the CRC. The Senate Standing Committee on Human Rights (2007) recommended the following: "[T]he Commissioner should have a statutory responsibility to have regard to the *Convention on the Rights of the Child*" (Senate of Canada, 2007, p. 206). This recommendation has been adopted in practice abroad as various Children's Commissioners work under the CRC.

Mr. Keith Towler, the Children's Commissioner in Wales for example, collaborates with young people directly on issues affecting their day-to-day lives and examines ways to enhance his position to benefit young people (Children's

Commissioner for Wales, 2013). In contrast to the situation in Canada, throughout the world in numerous nations CRC implementation has been directly and distinctly taken up through establishment of Local Authority Child Rights Officers, Children's Rights Directors, and Children's Rights Commissioners. In Belgium, for instance, Bernard De Vos is the Children's Rights Commissioner (Child Rights International Network, 2013). Such positions underline the notion that children are active citizens within civil society, and are entitled to a set of fundamental rights, each of which embodies fuller participation and well-being in health-related contexts. Tam Baillie, the Commissioner for Children and Young People in Scotland, strives to ensure children are informed of their rights under the CRC and seeks to influence legislative and societal changes (Scotland's Commissioner for Children and Young People, 2013). Indeed, in the recent referendum on Scottish independence from the United Kingdom, the right to vote was provided for 16- and 17-year olds for the first time in that nation, an enfranchisement further debated as a permanent right within the British Parliament (Jacobs, 2014).

In collaboration with their advocacy team, the Children's Commissioner for New Zealand, Dr. Russell Wills, and the Deputy Children's Commissioner, Dr. Justine Cornwall, foster a child-rights perspective by engaging the voices and standpoints of young people in attempts to improve the lives of all children (Manaakitia A Tatou Tamariki Children's Commissioner, 2013). Dr. Maggie Atkinson, the previous Children's Commissioner for England, worked to inform the government and influential decision-makers about the concerns youth themselves raise and the changes they are seeking (Office of the Children's Commissioner, 2011). As of March 2, 2015, Anne Longfield was newly appointed England's Children's Commissioner for a six-year term. Ms.

Longfield has clearly stated her immediate priorities: working directly with young people to ensure their voices inform national and international decisions; ensuring adults and professionals engaged in service delivery systems understand the signs of abused and neglected children and act on these indications; and finally, ensuring political parties take the voices and views of young people into direct consideration during election periods (Office of the Children's Commissioner, 2011). Responsible for over 12 million young people in England, Ms. Longfield highlights what she hopes to achieve for children in her country: "I will spend my six year term as Children's Commissioner stretching every sinew to improve the lives of children – listening to what children and young people tell me and bringing their concerns to the table" (Office of the Children's Commissioner, 2011, para. 9).

Also appointed March 2, 2015, Koulla Yiasouma was selected as Northern Ireland's Commissioner for Children and Young People. Much like Dr. Atkinson and Ms. Longfield, Ms. Yiasouma highlights the CRC as a guiding framework for her office: "In my first few months in office I will focus on developing my priorities. These include making sure that the United Nations Convention on the Rights of the Child is applied effectively in Northern Ireland law" (Morris, 2015, para. 7). In Australia, Megan Mitchell was appointed February 25, 2013 to act as the country's first National Children's Commissioner; her role focuses on the rights and interests of young people, and the impacts of laws, policies, and programs affecting youth (Australian Human Rights Commission, 2014).

#### *UNCRC*

As main players in the advocacy arena, members of the Canadian Council of

Child and Youth Advocates along with federal Children's Commissioners around the world make use of the CRC as a powerful advocacy tool to promote the rights and best interests of children and youth (Senate of Canada, 2005, 2007). With this in mind, it is imperative to explore past scholarship pertaining to the treaty in order to understand how this Convention has the potential to serve as an effective advocacy tool for children and youth.

Ratified by 196 nations, the CRC remains the most widely subscribed international treaty in history, containing 54 articles adopted by the United Nations general assembly in 1989, and includes four principles and 50 provisions (Senate of Canada, 2007). The four general principles act as a framework guiding interpretation and implementation of the entire treaty: Article 2 emphasizing the principle of non-discrimination; Article 3 highlighting the principle of "the best interests of the child", as a primary consideration in all state decision-making affecting children; Article 6 embodying the right to life and adequate development; and Article 12 highlighting the right of each child to be heard in matters affecting him or her (Mitchell, 2003, 2005; Senate of Canada, 2007). These fundamental articles are the organizing principles for the Convention as well as the framework for domestic reports that must be regularly submitted to the United Nations under Article 44. The remaining articles constitute the provisions of the CRC, which represent services that States Parties must provide to all children and young people. For instance, health care, education, Aboriginal children's support, protection from violence, abuse, neglect, sexual exploitation, child soldiering and war (Child Rights International Network, 2013; Senate of Canada, 2007).



Mitchell (2003) highlights the interdependence of these four key articles that is integral to understanding Article 42 “State Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike (p. 295)” and the remaining Convention provision articles. Mitchell (2003) also emphasizes Article 12 “the right of all children to be heard” and its relation to Article 3 “the best interests of the child” acknowledging that children and young people must contribute to any process that purports to define their best interests. It is, therefore, imperative that Article 12 be considered in the interpretation and implementation of all other rights, for this right enforces legal obligations on state and government bodies to recognize and ensure its implementation by listening to young people and according their views due weight (Parliament of Canada, 2013). With these obligations in mind, Mitchell (2005, p. 315) uncovered how Article 42 was intended by those who drafted the treaty as “an international indicator” for compliance in that such bodies are obliged to implement Article 42 (United Nations, 1989). In relation to the four fundamental principles mentioned above, Article 42 remains the key to understanding the entire document (Mitchell, 2003) and a driving force in working all principles into national laws and initiatives.

A Declaration, such as the 1948 *Declaration of Human Rights* includes general guiding principles, but under international law, is not legally binding upon UN member states (Canadian Coalition for the Rights of Children, 2002). A Convention on the other hand, such as the CRC is legally binding under international law on states who ratify (Canadian Coalition for the Rights of Children, 2002). When Canada signed the Convention on 28 May, 1990 it made an intention to comply with treaty principles and

provisions (Svevo-Cianci, Herczog, Krappmann, & Cook, 2011). This intention however, was an intention in and of itself and therefore, was not legally binding upon signatory States Parties. In ratifying the Convention on 13 December, 1991, Canada demonstrated its readiness to be legally bound by the Conventions principles and provisions (Landon Pearson Resource Centre, 2014; Senate of Canada, 2007). This process required Canada to analyze existing domestic laws and practices associated with children and to revise policies and practices to fulfill the minimum standards of the Convention.

A treaty that is signed and ratified by the Canadian government requires incorporation through domestic legislation to be enforceable at the national level (Senate of Canada, 2007). Despite common misconceptions, signing and ratifying a treaty in Canada has limited legal effects in domestic law. International human rights treaties are rarely incorporated directly into Canadian law because pre-existing legislation seemingly conform to the obligations accepted in the CRC. According to the federal government of Canada, the country fulfills its obligations to the Convention through pre-existing legislation, therefore, directly incorporating the treaty into an explicit form of domestic legislation, is not required (Senate of Canada, 2007). Child rights advocates have deemed this issue problematic due to the fact that the government of the day controls this process and its approach to compliance relies strictly on the opinions of key political stakeholders for interpretation of conformity to the Convention (Canadian Coalition for the Rights of Children, 2002). The only time the government is required to justify Canada's compliance with the Convention is every five years through a report to the UN Committee on the Rights of the Child (Senate of Canada, 2007). Under Article 44 of the Convention, the government submits progress reports and subsequently, the Committee

suggests recommendations to alter policy and practice (Canadian Coalition for the Rights of Children, 2002). Canada is expected to take these recommendations into consideration and account progress on its next report. However, no procedures exist to ensure these recommendations are accurately enforced or deliberated (Senate of Canada, 2007). As such, this highlights the importance of monitoring and reporting Canada's progress towards fulfilling the Conventions obligations under Article 45 (Canadian Coalition for the Rights of Children, 2002; Senate of Canada, 2007).

A study conducted by Kilkelly and Lundy (2006) for the Northern Ireland Commissioner for Children and Young People investigated how the CRC could be used as an auditing tool to measure the implementation of children's rights in law, policy and practice (p. 331). The results of the study indicated the following:

A key lesson which might be drawn from this process is that those wishing to establish what is happening in children's lives must take the time and make the effort to talk to children and young people directly. Only children can provide a direct insight into the dissonance between law and policy and the way in which their rights are being implemented in practice. Children not only have a direct and authentic insight into the issues that affect their enjoyment of their rights, but they are forthcoming when given appropriate opportunities to set out their concerns. (p. 350)

These authors further acknowledge that the CRC is used by many professionals working with young people (specifically, Children's Commissioners in regions throughout the world) and highlight that although the Convention can serve to help promote children's rights, it is of utmost importance to involve young people in these processes. In doing so, individuals will be provided with an accurate representation of the lived experiences of young people along with their perspective on how to remedy the different issues they face in the field of human rights.

### CHAPTER THREE METHODOLOGY AND DESIGN

The aim of this present study is to critically analyze the experiences of both former and current members of the Canadian Council of Child and Youth Advocates by exploring their understanding and articulation of child and youth advocacy in Canada. Through adoption of qualitative procedures, the study further aims to develop an understanding of the barriers and opportunities associated with their day-to-day roles by examining their own views and insights concerning child and youth advocacy in Canada.

#### *Methodology*

The investigation adopted a qualitative, exploratory methodology utilizing Kincheloe and McLaren's (2005) approach to research as *critical ethnography*, which focuses on liberating marginalized groups of individuals oppressed by inequality and domination. The prime components of this approach include, "a value-laden orientation, empowering people by giving them more authority, challenging the status quo, and addressing concerns about power and control" (Creswell, 2013, p. 70). Additionally, Thomas (1993) explains in his Preface:

[C]ritical ethnography is a way of applying a subversive worldviews to the conventional logic of cultural inquiry. It does not stand in opposition to conventional ethnography. Rather, it offers a more direct style of thinking about the relationships among knowledge, society, and political action. (p. vii)

This methodology was employed to determine how the Advocates understand their role and its implications when they proceed with their day-to-day work with marginalized groups of young people. Within the social sciences, the prevalence of studies employing qualitative methods has increased exponentially in recent decades. These techniques advocate a human-centered approach and are particularly interested in how people view and understand their social context. Researchers who employ qualitative methods are

required to record, investigate and analyze the interpretations and meanings that individuals ascribe to their own actions, to other objects, and to people they encounter in the world (Government of Canada, 2006). Berg (2004) contends: “Qualitative researchers, [are] most interested in how humans arrange themselves and their settings and how inhabitants of these settings make sense of their surroundings through symbols, rituals, social structures, social roles, and so forth” (p. 7). Through the use of this approach, Berg (2004) further notes that researchers attempt to answer questions by investigating social settings, and the individuals who inhabit these settings. To a certain extent, all knowledge is thought to be interpretive and dependent on social context, as well as shaped by the values of the researcher (Government of Canada, 2006). In the same vein, Hammersley and Atkinson (2007) assert:

Ethnography usually involves the researcher participating, overtly or covertly, in peoples’ daily lives for an extended period of time, watching what happens, listening to what is said, and/or asking questions through informal or formal interviews, collecting document and artifacts – in fact, gathering whatever data are available to throw light on the issues that are emerging focus of inquiry. (p. 3)

These methods were selected for this project because they have been shown to yield accurate findings that are not far removed from everyday practices and how individuals understand their surroundings and the actions of others (Hammersely & Attkinson, 2007). Canadian educator Mogadime’s (2011) ethnographic study is one demonstration of these characteristics as her article highlights the importance of in-depth interviews in understanding the lived experiences of critical educators when they attempt to integrate antiracist and critical multicultural approaches into their teaching practices. In that study, employing a quantitative approach, which focuses heavily on statistical and mathematical techniques, could have yielded inaccurate results that possibly could have

fallen short of capturing the participants' experiences. Methodology thus shapes the way educators structure practices to promote social justice and equality for their students. In adopting a qualitative approach in this study, I have set out to capture some of the critical, lived experiences of Child and Youth Advocates, and some of the ways in which their own worldviews shape their professional work with young people – a task that would most likely not be feasible were I to use deductive reasoning and a survey design.

There are significant reasons why critical ethnography was an appropriate methodology to employ in this current study. First, in the same way that Council members have a responsibility to listen to the voices, views, and suggestions of marginalized young people in an attempt to understand how to provide support to better their lives, critical ethnography offers an alternative to standard sociology which has claimed objectivity. Critical ethnography was developed to resist conventional authoritative methods, which have failed to adequately represent the experiences of oppressed groups. In many of the jurisdictions across Canada, the Advocates collaborate with young people and provide a sounding board for their experiences of oppression, while helping them to strive towards improving these conditions. Second, while Council members remain high-status figures as Officers of the Legislature, they do so in a wholehearted attempt to better the lives of young people. Although they theoretically do have the power and authority to help vulnerable groups of young people, they are also limited by their mandates and the legislation guiding their Offices. As Creswell (2013) argues, employing a critical ethnographic approach was appropriate because this methodology “is always a meeting of multiple sides in an encounter with and among the

Other(s), one in which there is negotiation and dialogue toward substantial and viable meanings that make a difference in the Other's world" (p. 9).

While interviewing participants, Council members have been able to disclose the different barriers that hinder their day-to-day work. In addition, they have also been able to elaborate on the benefits of working together with young people as it provides an opportunity for children and youth to suggest different ways to improve the various child service delivery systems. Moreover, as suggested by Thomas (1993), "critical ethnography is conventional ethnography with a political purpose" (p. 1). I believe strongly that in exploring and analyzing the day-to-day work of the Council members, one purpose served is to reveal the aspects of the political culture that restrain them from authentically advocating for marginalized groups of children. In so doing, I hope to draw attention to the fact that Council members could hold a high level of authority in their ability to help young people. If members of the legislatures are unable to help children and youth who are also their constituents, then who can? In this way, critical ethnography will enable me to raise awareness of the injustices faced by many oppressed groups of young people across Canada and identify significant gaps between policy and practice, while at the same time seeking out remedies to address these issues.

As the main research questions for this project were exploratory in nature, it was important to employ a qualitative technique flexible enough to permit description and interpretation. Kincheloe and McLaren's (2005) perspective on critical ethnography is in line with my own and these authors articulate why I believe the methodology of this approach is appropriate in the current project:

Whereas traditional researchers see their task as the description, interpretation, or reanimation of a slice of reality, critical researchers often regard their work as a

first step toward forms of political action that can redress the injustices found in the field site or constructed in the very act of research itself. (p. 305)

By exploring the daily realities of the Advocates' work, critical ethnography as a qualitative approach has enabled me to acknowledge the social injustices evident when they perform their roles. Specifically, open-ended interviews provided an opportunity for the Advocates to express their own views on the ways in which their roles could be enhanced in order to help Canada's most vulnerable groups of youth.

### *Research Arena*

This qualitative research project made use of critical ethnography in an attempt to enable the researcher to immerse herself in the culture of child and youth advocacy. As such, the author visited multiple sites in Toronto, Ontario, in order to observe and interact with different organizations involved with child and youth advocacy services. Although both former and current members of the Canadian Council of Child and Youth Advocates are located across Canada, the researcher was fortunate to be able to meet with Advocates who were visiting Toronto, the most populous metropolitan area in Canada. As Ontario's Child and Youth Advocate, Mr. Irwin Elman is current President of the Council, the primary study location was at the Office of the Provincial Advocate for Children and Youth in downtown Toronto. The researcher made multiple trips to Mr. Elman's Office to obtain child and youth advocacy policy documents, to conduct an interview, and to observe events hosted by the Advocate.

Such events included "Children and Youth in Care Day – Five14: Talks to Inspire Change" hosted by the Office of the Provincial Advocate for Children and Youth, in collaboration with the Children's Aid Foundation. This exclusive event, influenced by the TED conferences, featured an intimate 150-person capacity gathering comprised of like-



mindful guests interested in the advancement of child welfare. The purpose of this forum was to inspire change and develop new ideas in response to the ever-changing needs of young people served by Canada's child welfare services, who battle tremendous adversity. Another event entitled "A Global Community of Children and Youth Living Away from Home" involved a panel discussion hosted by the provincial Advocate's Office in association with the School of Child and Youth Care at Ryerson University. Approximately fifteen professionals engaged in the child service delivery systems, along with a selection of young people who have experienced these issues themselves, were invited to bring new ideas to the table to improve the current position of young people living away from home.

Interviews with the remaining Child and Youth Advocates took place at UNICEF Canada, the Fairmount Royal York Hotel, and Community Living, each site located in downtown Toronto. One interview also took place at a participant's home by invitation. These locations were considered as most appropriate as participants were able to select convenient and comfortable environments that best facilitated frank discussion.

#### *Participant Selection and Recruitment*

Considering the qualitative nature of the research, a combined technique of purposeful and convenience sampling was used to recruit participants. According to Berg (2004), a purposeful sample is one where the researcher has used "their special knowledge or expertise about some group to select subjects who represent this population" (p. 36). Considering the unique position of the participants, randomized sampling would have been a less than ideal methodology to adopt due to the fact that only a small group of individuals hold these positions and, thus, other possible

participants would not have been suited to the intent of the research (Patton, 1990).

Additionally, convenience sampling - which relies on individuals who are conveniently available to part take in a study (Creswell, 2013) was an ideal approach for this study considering the strict timeframe of the project.

My professional relationship with the President of the Council as a fellow child and youth advocate was advantageous in carrying out the research as it enabled me to conveniently recruit and network with an appropriate group of participants that shared the culture and fit the aim of the research. It was valuable for me to connect with Mr. Elman as he serves my local area and province and was therefore easily accessible. In turn, Mr. Elman was extremely helpful in his ability to act as a gatekeeper and connect me with former members of the Canadian Council of Child and Youth Advocates.

Five former and current Child and Youth Advocates were recruited from among the 12 current Council members and the remaining individuals who held this position in the past. The participants were selected because they were accessible and demonstrated a willingness to participate. Although I initially attempted to include all current Council members, availability along with strict time requirements limited the selection of participants.

#### *Characteristics of Participants*

Each of the five individuals who participated in this project were employed by the Government of Canada at some point in their career and were a part of the Canadian Council of Child and Youth Advocates. One of the participants has served and currently continues to serve as the President of the Council. While three participants were primarily responsible for advocating for children and youth in the Province of Ontario, one

participant was the Child and Youth Advocate of New Brunswick and the other served as the Advocate for Children and Youth in Saskatchewan. Duration of membership on the Council ranged from approximately six months to 16 years. Additionally, the general experience within the field of child and youth services of the participants ranged from approximately 10 years to more than 35 years. Each participant specialized in either the fields of law or social work, or a combination of both, with a focus on children and youth. Three participants were male and two participants were female.

### *Data Collection*

In critical ethnography, the researcher can employ a range of data collection techniques to capture the lived experiences of the participants. As traditional forms of ethnography tend to involve interviewing, observation and textual analysis of documents (Creswell, 2013), this study was designed to triangulate the data and explore different aspects of the participants' experiences. Specifically, qualitative data were collected through in-depth semi-structured interviews in Toronto, Ontario. Prior to participation in the interviews, each individual read a letter of invitation and signed a consent form. Textual analysis of various policy documents, legislative pieces and media excerpts that involve child and youth advocacy were also conducted to provide a strong understanding of how the field of child and youth advocacy is understood and organized. Data collection with the participants occurred over a nine-month period from May 2015 to January 2016, while the researcher began categorizing the texts for analysis beforehand, starting in September 2014 and extending to January 2016.

## *Methods*

*Interviews.* Critical ethnographers make use of interviews to attempt to understand the experiences of the culture-sharing group. In this context, culture is defined as “something researchers attribute to a group when looking for patterns of their social world” (Creswell, 2013, p. 71). Through the use of interviews, researchers are able to immerse themselves into the daily lives of the participants by capturing a “snap of their culture – including their behaviours, language, social interactions, and overall experiences (Hammersley & Atkinson, 2007).

Individual in-depth interviews were semi-structured in nature and the interviews ranged from 45 to 90 minutes in length. In an attempt to increase accuracy, each individual interview was audio recorded and after each interview the words of the participants were transcribed verbatim in preparation for analysis. Following this, each participant was sent a word document containing their complete transcript and asked to verify the accuracy of their interview. Once the participants confirmed and/or offered changes to their transcripts, the researcher began analyzing all of the data.

A semi-structured interview schedule was designed to capture the participant’s voices based on the questions directly related to the main research questions of the study. These questions focused primarily on the participants’ daily experiences, behaviours and understandings of child and youth advocacy both on a local and global scale. After each interview, field notes were compiled which encompassed additional thoughts such as the participants’ mannerisms, tone of voice during the interview, and thoughts surrounding their place of work and surroundings.

*Discourse Analysis.* In the current study, a discourse analysis of policy, legislation and media reports relating to child and youth advocacy in Canada was also conducted to gain additional comparative insight into how various statutes guide and regulate the day-to-day interpretation of the role of Council members. According to Phillips and Hardy (2002) “the task of discourse analysts is to explore the relationship between discourse and reality” (p. 287). Dozens of key sources from academic databases and both electronic and print media were reviewed and a sample was selected to enable the author to record, analyze and explain how certain aspects surrounding children, childhood and child advocacy came to be understood or established, and how these aspects have enabled possible spaces to be opened up for alternative ways of thinking (Cheek, 2004, p. 1147). As Smith (1987) states, “We are ruled by forms of organization vested in and mediated by texts and documents, and constituted externally to particular individuals and their personal and familiar relationships” (p. 2 – 3). Smith (2006) continues to highlight the importance of analyzing texts in ethnographic research in order to “explor[e] the translocal organization of the everyday” (p. 66). In the same way critical discourse analysis enables researchers to look at power relations within different domains, the current study made use of this method as a way to understand the different opportunities and barriers associated with the work of the Child Advocates who participated. The design of this section of the study was based on findings elicited during a pilot study undertaken for my Undergraduate Thesis (Bendo, 2014) which similarly utilized a discourse analysis to compile a dataset comprising eighteen legislative, policy, and media selections pertaining to child and youth advocacy in Canada. I have built upon this piece of research and used an identical design for the discourse analysis portion of the research.

The ubiquitous Google© Internet search engine and the Brock University Library were used to access the various media and legal texts in this study by entering such keywords as: “Canadian Council of Child and Youth Advocates”; “United Nations Convention on the Rights of the Child in Canada”; “Canadian governmental human rights reports to the United Nations”; “Bill C-10”; and “Child advocacy in Canada”. The dataset was also comprised of International legal documents such as the *Concluding Observations on Canada* from the United Nations Committee on the Rights of the Child (1995, 2003, 2012); Canadian governmental human rights reports to the United Nations; non-governmental organization reports; media from traditional print and electronic sources; and policy documents from the Canadian Council of Child and Youth Advocates. The pilot dataset was then used to aid additional analysis of data gathered through my Master’s thesis interviews. As noted above, the discourse analysis of texts began in September 2014, prior to data collection, and remained ongoing throughout the duration of the data collection period. An in-depth analysis of publicly available policies, legislation and media documents which relate directly to child and youth advocacy (and ultimately guide the work of professionals engaged in this area) was carried out to provide the researcher with insight into how different laws and policies govern the work of the Child Advocates in Canada. The documents analyzed in this present study include the following:

### **Policy Documents**

1. *Children: The Silenced Citizens*. The final report of the Standing Senate Committee on Human Rights (Senate of Canada, 2007).

This report examined Canada’s international obligations in regard to the rights and freedoms of children, with a particular focus on the United Nations Convention on the

Rights of the Child. The report analyzed Canada's ability to meet the obligations set out in the Convention. **This piece contributed to the development of the following themes:** *Elevating the Voices of Young People, Partnership, Independent Officers of the Legislature and Federal Power Needed to Reach Beyond Provincial Jurisdiction.*

2. Concluding Observations on Canada by the United Nations Office of the High Commissioner for Human Rights (United Nations Committee on the Rights of the Child, 2003, 2012).

Under Article 44 of the Convention on the Rights of the Child, signatories are required to present periodic reports every five years to demonstrate their levels of progress with regard to children's rights. In countries abroad, such as the United Kingdom, these reports have been identified as children's rights report cards, as they encompass various degrees of performance and provide feedback on how improvements can improve child rights (Payne, 2003). On October 27, 2003 and again on October 5, 2012, the UN Committee on the Rights of the Child issued its response to the Canadian government's submission on the progress made in respect of the implementation of the CRC. These reports outline areas of concern and provide concluding observations related to children's rights. **This piece contributed to the development of the following themes:** *Rights-based approach, and Provincial and Territorial Advocates Conducting "Patchwork."*

3. First Nations Child and Family Caring Society (2016). A Canadian Human Rights Tribunal between the First Nations Child and Family Caring Society of Canada, the Assembly of First Nations (AFN), and the Canadian Human Rights Commission, as well as the Attorney General of Canada, the Chiefs of Ontario, and Amnesty International Canada.

This document outlines the work of the First Nations Child and Family Caring Society. Specifically, it focuses on the Department of Justice's response to provide immediate relief of the process set out by the Canadian Human Rights Tribunal, which ruled

discrimination against First Nations children living on reserves. **This piece contributed to the development of the following theme:** *Positive Lifestyle*.

4. A Commissioner for Canada's Children (Pearson & Kraft Sloan, 2001).

This report explores the importance of a federal Children's Commissioner in Canada and expands on the potential role and responsibilities attached to such a position. **This piece contributed to the development of the following themes:** *Independent Officers of the Legislature, and Federal Power Needed to Reach Beyond Provincial Jurisdiction*.

5. *Who's in charge here? Effective implementation of Canada's international obligations with respect to the rights of children.*

This preliminary parliamentary report (Senate of Canada, 2005) explores implementation of the CRC in Canada. **This piece contributed to the development of the following themes:** *Time and Provincial and Federal Protocol Needed*.

6. *Child advocacy renewal in Ontario – Progress report and agenda for action.*

This report (Geigen-Miller, 2006) analyzes Ontario's state of child and youth advocacy along with recommendations for future progress. **This piece contributed to the development of the following themes:** *Resistance to Youth Voice, and Mandate*.

7. *Advocating for Children and Youth in Care: Your Role as a Caregiver.*

This report (British Columbia Ministry of Children and Family Development, 2011) highlights the key components of rights-based and youth-focused advocacy. **This piece contributed to the development of the following theme:** *Research and Academia*.

### **Media Pieces**

8. "Ontario's child advocate demands more power to probe abuse." *The Toronto Star*.



An electronic newspaper article (Monsebraaten, 2014b) that sheds light on the importance of increasing powers for Ontario's Provincial Advocate for Children and Youth. **This piece contributed to the development of the following themes:** *Media and Public Accountability, and Political Considerations.*

9. "Why are children in CAS care described like criminals?" *The Toronto Star.*

This second Toronto Star article (Monsebraaten, 2015) explores the detrimental effects of negatively labelling marginalized groups of children and youth. **This piece contributed to the development of the following theme:** *Media and Public Accountability.*

10. "Alberta child advocate has funding restored."

This electronic media article (CBC News, 2015) analyzes the Advocates' experiences with underfunding, specifically the example in the Province of Alberta. **This piece contributed to the development of the following themes:** *Media and Public Accountability and Funding/Resources.*

11. "Liberal Government Will Create a Canadian Children's Commissioner".

This electronic press release from the Liberal Party of Canada (2015), part of the federal election campaign, asserts that party leader Justin Trudeau intends to appoint a federal Children's Commissioner in Canada. **This piece contributed to the development of the following theme:** *Federal Power Needed to Reach Beyond Provincial Jurisdiction.*

12. "Children and youth with special needs speak with Ontario leaders about their hardship, frustration and alienation." *News Wire.*

This electronic media piece looks at an initiative involving children with disabilities within Ontario's Office of the Provincial Advocate for Children and Youth. **This piece contributed to the development of the following themes:** *Change, Children as Agents of Change, and Political Considerations.*

13. “Children say Ontario group homes like jails: report.” *CBC News*.

This electronic media piece explores children’s views on group homes in Ontario. **This piece contributed to the development of the following theme:** *Media and Public Accountability*.

### **Legislation**

**The remaining pieces of legislation contributed to the development of the following theme:** *A Barrier and an Opportunity*.

<b>Province or Territory</b>	<b>Act Guiding Each Office</b>
14. <i>Representative for Children and Youth Act</i> (2006)	British Columbia
15. <i>Representative for Children and Youth Act</i> (2013)	Nunavut
16. <i>Child and Youth Advocate Act</i> (2011)	Alberta
17. <i>Child and Youth Advocate Act</i> (2009)	Yukon
18. <i>Child and Youth Advocate Act</i> (2011)	New Brunswick
19. <i>Advocate for Children and Youth Act</i> (2012)	Saskatchewan
20. <i>Child and Family Services Act</i> (2012)	Manitoba
21. <i>Adoption Act</i> (2008)	Manitoba
22. <i>Child and Family Services Act</i> (2014)	Ontario
23. <i>Education Act</i> (2014)	Ontario
24. <i>Charter of Rights and Freedoms</i>	Quebec
25. <i>Youth Protection Act</i> (2015)	Quebec
26. <i>Youth Criminal Justice Act</i> (2002)	Quebec
27. <i>Ombudsman Act</i> (1989) amended in (2004)	Nova Scotia

28. The Convention on the Rights of the Child passed by the United Nation General Assembly in New York (United Nations, 1989).

This human rights treaty outlines the civil, political, economic, social, health and cultural

rights of children around the world.

Discourse analysis was an essential methodological approach to the study for its ability to illuminate how policies and legislation ultimately serve as what Moss and Petrie (2002) term “sites of power” (p. 81). Mogashoa (2014) quotes Lucke (1996) to expand on this notion:

[critical discourse analysis] draws on the necessity for describing, interpreting, analyzing, and critiquing social life reflected in text... Human subjects use texts to make sense of their world and to construct social actions and relations in the labour of everyday life while at the same time, texts position and construct individuals, making available various meanings, ideas and versions of the world. (p. 12)

In an attempt to understand the power relations embedded in the Advocates’ legislated positions and how they make use of specific policies and legislative documents to ensure minimum standards of practice are met, critical discourse analysis served as an appropriate method.

### *Thematic Analysis*

The current study followed the application of Wolcott’s (1994) and Creswell’s (2013) thematic derivation procedure (including description and analysis) to investigate child and youth advocacy in Canada. In traditional qualitative studies, researchers like Creswell (2013), Liamputtong (2011), Phillips and Hardy (2002), and Wolcott (1994) arrange and organize data to produce themes for analysis. During this process, the researcher gathers data for description and highlights particular information in a way to develop categories through which the text is sorted to detect common patterns. Although often in qualitative research (specifically in ethnographic studies) not all data is utilized in deriving themes, the researcher composes themes based on the pattern regularities in

an attempt to incorporate important, enriching information into the study (Liamputtong, 2011; Wolcott, 1994). As a first step, description involved defining and explaining the culture-sharing group. Wolcott (1990) contends:

Description is the foundation upon which qualitative research is built... Here you become the storyteller, inviting the reader to see through your eyes what you have seen... Start by presenting a straightforward description of the setting and events. No footnotes, no intrusive analysis – just the facts, carefully presented and interestingly related at an appropriate level of detail. (p. 28)

During this step, the researcher presents basic facts without delving into deep analysis.

The facts are accumulated based on what the participants reveal to the researcher and typically this will include a “day in the life” (Creswell, 2013, p. 198) of the culture-sharing group. Accordingly, this researcher initially described facts about both the former and current members the Canadian Council of Child and Youth Advocates. These facts were derived from policy texts, media sources, and legislation governing the Advocates, along with data from the open-ended interviews with the participants.

The next step in this process includes analysis. During this phase, the researcher “search[es] for patterned regularities in the data” (Creswell, 2013, p. 198). During the search for common patterns within the data, the researcher searches for similarities within the culture-sharing group. The current study followed this procedure to develop an understanding of how the Child and Youth Advocates understood child and youth advocacy in Canada along with the barriers and opportunities associated with their work. After the interviews were transcribed, qualitative data analysis software – NVivo – was used to analyze patterns and compare similarities within the interview data. To keep the data organized, colour coding techniques were employed to group segments of data into different categories. As a general rule, themes emerged when the data revealed three

consistent examples that contributed to the patterns of meaning. Similarly, this roadmap was applied when analyzing policy and legislative texts relating to child and youth advocacy.

A close analysis of the pattern regularities within the interview data provided the researcher with insight into the day-to-day lives of the Advocates. Due to the fact that interviews were semi-structured and open-ended, these procedures enabled the voices of the Advocates to be heard and understood. In this sense, the participants were given an opportunity to disclose the pros and cons they experience in their positions and the ways they hope to improve and advance their role as provincial and territorial Child and Youth Advocates in Canada. Each document that underwent review for discourse analysis was also organized in the same way to elicit main themes.

The application of Wolcott's (1994) and Creswell's (2013) thematic derivation procedure led me to a deeper understanding of the work of the Advocates through observations and analyses of texts, along with individual interviews, which ultimately provided an understanding of the behavior, language and social interactions of the culture-sharing group (Creswell, 2013, p. 68).

### *Ethical Considerations*

All research activities in the current study were in compliance with the guidelines set by the Brock University Research Ethics Board. Ethical clearance from the board was received on April 20, 2015 (FILE: 14-191 – MITCHELL). Each participant was properly informed as each was provided a letter of intent (see Appendix D) prior to participation in the study, along with an informed consent form (see Appendix E). Both documents informed the participants of the intent of the study, the methods of data collection and

data analysis, assurances of confidentiality, and the option for participants to either remain anonymous or have their names and titles attached to their comments. To ensure confidentiality, all paper copies of data, audiotapes and electronic data were stored in a secure location at Brock University, accessible only to the Principal Investigator and the Principal Student Investigator.

Although the researcher attempted to adhere to the highest standards of ethics, it is also important to highlight potential ethical concerns that may have arisen. One ethical issue that was considered in this study was the fact that participants (although they had the option to have their names associated with their comments) may have felt obligated to refrain from remaining anonymous because of their positions as Child and Youth Advocates. Due to the fact that these participants are public officials, they sporadically feel obligated to speak out to the public. Bearing this in mind, it is no surprise that all of the participants chose to openly reveal their identities. As a remedy to ensure participants were comfortable with associating their comments to their professional positions, the researcher sent each individual a full copy of the transcribed interview. In this way, each participant had an opportunity to delete any data they did not wish to be included in the study.

An additional ethical concern that was considered in this study was the possibility that the Advocates (all of whom have decades of experience working with vulnerable groups of children and youth) may have felt compelled to disclose stories that evoked feelings of sensitivity and sadness. As the Advocates' work encompasses the promotion and protection of the human rights of young people, the participants have spent many years striving to better the lives of children and youth. Along this journey, many of them

have undoubtedly witnessed negative experiences such as child deaths, child abuse, poor service delivery for children, and other unfortunate or even catastrophic instances. While conducting interviews, it was important to notify participants that they could withdraw from the study at any time without penalty and that their participation in the study was completely voluntary. The researcher also found it important to develop a strong relationship with the Advocates so they felt comfortable opening up if they wished to do so. The participants and the researcher also recognized that in sharing these negative experiences, this was a way that enabled the Advocates to strive towards social change. In this sense, the researcher selected critical ethnography in an attempt to provide the participants with the opportunity to speak out and proselytize further, not only for children and youth but also for the advancement of child and youth advocacy itself in Canada. Ideally, the researcher has ensured that the benefits of the study outweigh the risks.

## **CHAPTER FOUR: RESEARCH FINDINGS**

After analyzing the transcribed interviews of the participants and the child and youth advocacy-related pieces of legislation, policy texts and media pieces, multiple themes emerged from the data. The following section will synthesize the insights and experiences of the five key informants that took part in the study, along with the researcher's thematic analysis of documents compiling the discourse analysis. The key informants in the study - each one having consented to waive their right to anonymity - are as follows: Mr. Irwin Elman – (currently) Ontario's Provincial Advocate for Children and Youth and President of the Canadian Council of Child and Youth Advocates; Ms. Judy Finlay – (former) Ontario's Provincial Chief Advocate for Children and Youth and

President of the Canadian Council of Child and Youth Advocates; Ms. Agnes Samler – (former) Ontario’s Provincial Advocate for Children and Youth; Mr. Marvin Bernstein – (former) Saskatchewan’s Children’s Advocate and Mr. Bernard Richard – (former) New Brunswick Ombudsman and Child and Youth Advocate.

In the current study, a discourse analysis of policy documents, media pieces, and legislation relevant to the Council members, were used to supplement and enhance the data gathered through the interviews with the participants. According to Creswell (2013), this method is known as *triangulation* where “[R]esearchers make use of multiple and different sources, methods, investigators, and theories to provide corroborating evidence.... Typically, this process involves corroborating evidence from different sources to shed light on a theme or perspective.” (p. 208). With this in mind, a critical discourse analysis was selected to augment the interview data because the textual analyses of the documents were viewed as key pieces that mediate and regulate much of the Advocates’ work. I also utilized a discourse analysis of child and youth advocacy policy documents, media, and pieces of legislation within my Undergraduate honours thesis which served as a pilot study for my MA, and I have built on this research still using the same approach with a discourse analysis, but have also selected critical ethnography as an appropriate method that sheds light on the lived experiences of the Council members. For this study, a discourse analysis was selected as a way of triangulating and supporting the interviews, in light of the paucity of information in this field. Specifically, seven policy documents, six media pieces, and 15 pieces of legislation, underwent a discourse analysis (see Chapter Three: Methodology and Design, pp. 43-47). Collectively, individual interviews yielded majority of the derived themes, as



four of the findings: 1. **What is Child and Youth Advocacy?** *Elevating the Voices of Young People, Partnership, Rights-based Approach, Change, and Positive Lifestyle*, 2. **What are the Opportunities Affecting Advocacy?** *Independent Officers of the Legislature, Relationships, Media and Public Accountability, Research and Academia, and Children as Agents of Change*, 3. **What are the Barriers Affecting Advocacy?** *Time, Funding/Resources, Political Considerations, Resistance to Youth Voice, and Mandate* 4. **On the Need for a Federal Children’s Commissioner - Provincial and Territorial Advocates Conduct “Patchwork,” Provincial and Federal Protocol Needed, and Federal Power Needed to Reach Beyond Provincial Jurisdiction**) were primarily discovered from the interview data. It should also be noted that the data selected for the discourse analysis also worked to support these findings that were uncovered through the interview data. On the other hand, one of the main findings (5. **Legislation Guiding the Canadian Council of Child and Youth Advocates – A Barrier and an Opportunity**) was derived from the data that underwent the discourse analysis which was also supplemented by the key informant’s interview data.

Additionally, all of the findings were developed from the methodological application of Wolcott and Creswell’s (2013) thematic derivation procedures which included description, analysis, and interpretation. For the current study, I only applied description and analysis and left out interpretation because I did not believe that I was aiding in the creation of new knowledge. According to qualitative scholars, during interpretation, the researcher explores the data set and then goes one step further to understand “what is to be made of them” (Wolcott, 1994, p. 36). According to Creswell (2013), “the researcher draws inferences from the data or turns to theory to provide

structure for his or her interpretations” (p. 198). I have not applied this last step but intend to build on this study in my pursuit of Doctoral studies and will attempt to incorporate interpretation which will potentially aid in the creation of new knowledge at the Doctoral level.

Although over 50 pages of interview data were transcribed and 28 pieces of legislation, media pieces, and policy texts were reviewed, the core findings listed and discussed here were based on the main objectives of the study, and emerged as answers to the two main research questions guiding the study:

How do Child and Youth Advocates understand and articulate the role of child and youth advocacy in Canada?

What are the opportunities and barriers associated with professional child and youth advocacy in Canada?

### **Interview Data Augmented by Discourse Analysis Data**

#### **What is Child and Youth Advocacy?**

In order to investigate the experiences of both current and former members of the Canadian Council of Child and Youth Advocates, the first research question examined their individual and collective understanding and articulation of child and youth advocacy in the Canadian context.

#### *Elevating the Voices of Young People*

When participants were asked to explain their understanding of child and youth advocacy, many argued that elevating the voices of children and youth was a crucial component of advocacy. For instance, Ms. Finlay emphasized the importance of recognizing power imbalances in an attempt to provide opportunities for the voices of vulnerable groups to be heard. She stated:

Advocacy has to do with social justice and equalizing power imbalances, it has to do with offering voice and not speaking on behalf of people, offering opportunities for voice.

Mr. Elman also reinforced the importance of elevating the voices and views of young people. As he explains:

Child and youth advocacy is elevating the voice of particular groups of children or youth. I think that one of the questions for me that my staff always think about is this – is elevating the voice enough in terms of advocacy? Because you get into how do you know if you are doing a good job and for me, advocacy also is about change. People should make sure that whatever they are doing does no harm – and from our point of view, when we are partnering with young people – so if they are involved with us and they are partnering with us to use their voice and telling us to speak for them or with us, when you raise that voice they could say “we want you to get out of the way and give us the opportunity.” Whatever one of those things we do, we should make sure those individual young people come out stronger then when they went in. Not that they are harmed by speaking out. We should always think that through because in that sense, you’re building a community and resilience and strength in the very people whose voices aren’t heard.

Ms. Samler also shared her view on the importance of elevating the voices of young people and how powerful this component is within advocacy. She argued:

Children really are their own self-advocates. Their own events for advocacy, advocating themselves; we don’t give children rights – they own them and can speak to them and they are often the most powerful types of advocacy.

Moreover, Ms. Finlay highlights how elevating the voices of young people is integral to the work of the Advocates and how each jurisdiction will view advocacy and elevating the voices of young people differently:

In the Canadian context in terms of the various Offices, they each have a different perspective on what advocacy is and their Offices are formed and structured in a way to represent that kind of advocacy. In Ontario, for instance, Irwin has created an environment for young people to have a really strong and powerful voice and he really reinforced that. That’s the core of his Office, which is really good.

These responses from the Advocates assert that elevating the voices of children

and youth is an essential part of advocating for young people. While it is important to take a stand for vulnerable groups of children and youth, these participants highlight how critical it is to ensure that they do not speak directly on their behalf. In line with this, an exploration of the CRC also revealed through discourse analysis, the importance of elevating the voices of young people. As a guiding principle of the CRC, Article 12 “the right of all children to be heard” emphasizes that by listening to young people and according their views due weight, a sense of equality may be established and obtained for children and youth who reside as social citizens of society.

With this in mind, many of the participants disclosed that partnering with young people (and with other professionals) is also an important part of advocacy.

### *Partnership*

When asked to define child and youth advocacy in the Canadian context, many of the participants emphasized the importance of listening to the views and perspectives of young people by partnering with them to understand how to effectively strive towards change in a way that is informed by views of young people themselves. Additionally, the Advocates highlighted the importance of partnering with other professionals in the field, to learn from one another and attempt to advocate effectively. In her interview, Ms. Finlay spoke about the importance of equality in partnerships with young people.

Advocacy has to do with full participation, it has to do with people’s vulnerabilities and creating opportunities for them to be playing on an equal playing field.

In this instance, Ms. Finlay highlights how partnership is an effective method to provide young people, particularly vulnerable groups of children and youth, with opportunities to

seek equal treatment. In line with this, Mr. Elman offered a similar perspective on effective partnerships and their role in advocating for and with young people.

Advocacy is partnering with children and youth to bring their issues forward, and when I think of child advocacy that's what I think advocacy is. I think it's damaging and harmful to speak for people when they can speak for themselves, which is why I like the concept of partnering with children and youth. Because if we don't do that, if we didn't partner with children and youth about things that are happening in their lives, then I don't see how we are not replicating the kind of things that they tend to be concerned about. We are replicating services that don't consider their opinion. We are replicating, perhaps, their families that are abusive where they think they are out of control of their own lives. We are replicating government that makes policy without regard to how it will affect them. Well, then we can't advocate in the same way that all that happens, we have to work differently to do our work. Otherwise we are just adding another nail into that proverbial coffin.

Mr. Elman's perspective on partnership emphasizes the need to be mindful around speaking on behalf of others. In this way, Mr. Elman defines child and youth advocacy as a tool used to bring the voices, views, and suggestions of young people forward while remaining cognizant of the potential harm speaking on their behalf entails, without their regard. Mr. Elman recognizes in his interview response that it is the nature of adults, whether they recognize this or not, to possess a significant amount of authority and control over young people – even in the field of advocacy.

In his interview, Mr. Bernstein also touched on the importance of partnering with young people to understand their views on different issues. But in addition, Mr. Bernstein emphasized the importance of partnering with other players in the child and youth arena:

[Advocacy] means cultivating strong relationships with policy-makers, legislators, influencers, who are in a position to engage in activities that will have a significant effect upon the lives and well-being of children and youth. It's about getting the right people to the table, drawing upon expertise, respecting evidence-based research, taking a principled approach, and making a real difference for children and families and communities.

The theme of partnership was also revealed within the discourse analysis. This view permeated the Senate Standing Committee (2007) report which highlights the following: “Children’s voices rarely inform government decisions, yet they are one of the groups most affected by government action or inaction. Children are not merely underrepresented; they are almost not represented at all” (p. xiii).

### *A Rights-based Approach*

When defining child and youth advocacy in the Canadian context, many of the Advocates highlighted the importance of taking a rights-based approach and considering children’s rights as an important part of advocacy. Mr. Bernstein contends:

In the Canadian context, I will talk about there being a need to promote the interests to advance the rights of children and youth and find a way to elevate their voices, to make sure that they become part of the conversation, that some of the policy directions or potential programs put children on the radar.

Mr. Bernstein further elaborates on the importance of the CRC in the work of the Offices:

To always find opportunities to really make sure that people are thinking about decisions and how they impact upon children and how we weigh competing rights in the Convention and always looking to the Convention as being a set of anchoring principles, a framework to support the work of the Office. The other piece is when we look at advocacy, I think it should be comprehensive and broad-based. In terms of looking at international human rights norms, when it comes to advocacy or promoting and protecting the rights of children, it shouldn’t have a narrow scope it should have a comprehensive scope.

Similarly, when asked to define child and youth advocacy in the Canadian context, Mr.

Richard agreed on the importance of the CRC as an underlying framework to the work:

For me, child and youth advocacy in the formal, legal, political world, is the promotion and protection of the rights and interests of children. That takes all kinds of different forms. In my case it meant investigating individual complaints that came my way, it meant conducting research on systemic issues when I felt that was warranted. I think advocacy involves promoting the rights and interests

of children and youth, and protecting their rights as well, and their interests when circumstances call for that.

Ms. Samler also spoke about the CRC and Canada's obligation to its children as a driving force adding form to the field of child and youth advocacy:

Whenever I think about children and advocacy I think about the UN Convention on the Rights of the Child and the optimal protocols associated with that; so for me, it's like taking that document and making it real in terms of educating people about it and helping to make it work in Canada. I think in Canada, when we ratified the UN Convention – it makes all Canadian advocates in a way – we promised these things for kids. For me, it spreads right across all Canadians that this has been signed so it is our promise to our children: That's child and youth advocacy.

These findings were also revealed through discourse analysis. Specifically, these views were consistent with the 2012 concluding observations (UN Committee on the Rights of the Child, 2012) highlighting a similar concern. The Committee made the following recommendation:

The Committee urges the State party to take more active measures to systematically disseminate and promote the Convention, raising awareness in the public at large, among professionals working with or for children, and among children. In particular, the Committee urges the State party to expand the development and use of curriculum resources on children's rights, especially through the State party's extensive availability of free Internet and web access providers, as well as education initiatives that integrate knowledge and exercise of children's rights into curricula, policies, and practices in schools.

### *Change*

Many of the participants also focused on outcomes resulting from their advocacy and, as a result, many of them also spoke about change as a central part of that advocacy.

Mr. Bernstein contends:

I also think in the Canadian context, it means to always identify where we might be able to push the envelope and expand some boundaries – it isn't just an event. It means that you are always attuned to potential opportunities where you can influence positive change and bring about positive outcomes for children and

youth.

Mr. Bernstein continues and expresses his perspective on the importance of staying positive when attempting to bring about change for young people:

That's something I have always taken to heart, you have to continue to believe you can influence positive change – it isn't just being critical, saying government is terrible. You need to find the positive features. Who are the players, influencers, what is the hook that you can use to encourage people to do the right thing to make a positive difference?

Similarly, Mr. Elman also reports that his perspective involves advocacy as a means to promote change:

One of the measures about our advocacy is, is it influential and is it creating change? I think advocacy is also about change, it's not just about writing a report. And I think that's true and we have taken that definition of partnering with children and youth to their terms about change. So when we do advocacy, we always have goals in mind about, 'what is the change in mind we are looking to see?', and not just 'what is the voice we are trying to elevate?'.

When asked what child and youth advocacy entails, both Mr. Bernstein and Mr. Elman focus on promoting change in a positive and influential manner in order to improve the lives of children and youth in a realistic way. In their interviews, both spoke about the importance of staying positive and optimistic in their line of work; not surprisingly, these views are consistent with other participants. A recent media piece also strengthened this finding as evidenced from the discourse analysis. Ontario's Office of the Provincial Advocate for Children and Youth developed a project to help understand the lived experiences of children with disabilities and strive towards social change.

These youth represent the views of more than 170 submissions received by the Office of the Provincial Advocate for Children and Youth as part of the "*I Have Something to Say*" project. The lived experiences and ideas for change shared by young people – many of whom have numerous or complex special needs – their families and caregivers from across Ontario are captured in a new report, "*We Have Something to Say: Young people and their families speak out about special needs and change.*" (News Wire, 2016, para.2)



### *Positive Lifestyle*

Many of the Advocates spoke about advocacy as a way of life. Following on from this, the participants disclosed that in order to advocate effectively, a critical component involves maintaining a positive and optimistic outlook on a day-to-day basis. Ms. Finlay notes:

Advocacy isn't a skill, isn't a tool or part of practice, advocacy is a lifestyle. It's how you choose to live your life – it grows out of your worldview. It's very many things; I don't see it as something specific – which is how some other people might define it. If you live that lifestyle, then it becomes second nature. All your interactions with people become a form of respectful advocacy in some ways. Just listening, for example, with full intention and with your heart and your eyes, and undivided attention, that in a way will be experienced by others as advocacy. At the end it isn't just a job, it isn't just identifying vulnerable populations and illuminating voices, it isn't just that. It's how you live your life. Advocacy is not a job, it's who you are. It's your worldview and your principles and lifestyle that you follow – that, to me, is advocacy.

When speaking about child and youth advocacy as a way of life, Ms. Finlay asserts that it is not a job but, rather, a fluid and continuous approach to the day-to-day realities of children and youth. Mr. Bernstein also makes reference to child and youth advocacy as a lifestyle, about the importance of being able to always recognize opportunities when they present themselves, while maintaining a positive, optimistic worldview during all situations. He declares:

I think there's an opportunity and one of the points I should make around advocacy – which is being optimistic as an important element, looking for opportunities. You have to stay positive and you always have to be on your game because when there is a window of opportunity, you will be enthusiastic, you will see it and be able to exploit it. But if you are going through a down period and feeling frustrated, when the opportunity presents itself you might feel so frustrated that you don't even see the window – and you're not even able to pass through it.

Mr. Bernstein defines advocacy as an imbedded lifestyle when he shares the importance of preserving a positive perspective in order to recognize and acknowledge the opportunities that present themselves. In the same fashion, Ms. Samler asserts that it is also imperative that Advocates be able to celebrate their successes:

I think celebrating things along the way is important too. Today they had the announcement on the Human Rights Tribunal and it's very moving to know we established this.

In this sense, Ms. Samler reinforces how an essential part of advocacy involves acknowledging one's successes as the logical consequence of the importance attached to embodying a positive and hopeful view when one works as an Advocate. Indeed, this theme also emerged within the data that underwent discourse analysis. An analysis of child welfare activist Ms. Cindy Blackstock's recent success at the Canadian Human Rights Tribunal exemplifies the importance of maintaining a positive outlook and continuing to advocate in order to effectively influence decision-makers (First Nations Child and Family Caring Society, 2016). Under the Human Rights Code, the Canadian Human Rights Tribunal ruled in favour of Ms. Blackstock's claim of discrimination against First Nations' children living on reserve. Many of the Advocates addressed this success and highlighted how Ms. Blackstock's optimism and positivity were key contributors that helped her reach this victory.

### **What are the Opportunities affecting Advocacy?**

The second research question of this study examined the opportunities associated with the day-to-day work of former and current members of the Canadian Council of Child and Youth Advocates. Following this, multiple questions asked participants to identify helpful resources that facilitated opportunities in their work advocating for

children and youth.

### *Independent Officers of the Legislatures*

A number of participants shared that they felt empowered as independent Officers of their respective legislatures and that this served as an essential component in their role and in their ability to advocate authentically with and for young people. As Mr. Richard said:

Being recognized by the government with a mandate, not a government reporting legislature, but having clear independence in occupying the role – all of that was helpful.

Likewise, Ms. Samler shared her perspective on the importance of having an official mandate supported by legislation to buttress an Advocate's decision:

You really need to be sure about your own solid ground. Once you have the legislation behind you, it's more so – here's the legislation and this is what we need to do – then you can make strong statements.

Mr. Bernstein reinforces the importance of the Advocates' status as independent Officers of the Legislature and provides insight into how this enables the Advocates to carry out their work effectively:

In terms of feeling as though the position empowered me, because you are an independent Officer it gives you a certain stature – people will contact you, the public, young people, different professional associations, government, all will contact you – and it does give you a certain presence because there is an appointment process that you go through that legitimizes the legislation to support the role of the Office. It's really important to use that wisely, young people are reliant upon the Office to help them identify their concerns and take them forward.

Mr. Bernstein continues and speaks about a time when certain Offices in Canada did not

have independence:

The independence is absolutely critical. We didn't have it for a period of time everywhere in Canada and independence is a hallmark of these Offices, it's critical. Alberta wasn't independent for many years until recently and now all of these Offices are seen as being independent of government.

Ms. Finlay describes her experiences during her time as Ontario's Advocate when her Office did not have this empowered sense of independence. She highlights the implications:

Irwin [Elman] now has the legislation behind him and so he doesn't ever have to worry about his safety because it's right in the legislation about reprisal – wasn't in mine. He doesn't have to worry about any of that, he has legislated authority which I didn't have – I only had personal authority. All kinds of safeguards are in place but he still has to pick his battles. He will be more successful; he doesn't have to be as strategic and he has independence.

In Mr. Elman's interview, he expressed his own awareness of the sense of empowerment he enjoys in his current position:

For the people who know me, in my position, I do carry positional authority. I can speak with some authority whether I'm saying nonsense or not. Somebody will have to listen to me – they don't have to agree with me or think I'm an idiot, but they have to respond. When I ask for a meeting, in general, people are going to have to find a way to meet me. And for government, I believe I'm an issue to be managed (I believe that) – so I have some authority that way, positional authority.

This finding also appeared within the discourse analysis of relevant data. The Standing Senate Committee (Senate of Canada, 2007) report elaborates on this theme:

There is a legitimate tension between the government and those offices. As long as they have the visibility, independence and powers, they improve the situation for the different kinds of issues with which they deal. (p. 204)

Additionally, this finding is further evidenced within the Honourable Landon Pearson's (Pearson & Kraft Sloan, 2001) report, which highlights the importance of a federal Children's Commissioner for Canada. Specifically, the report states the following:

Several of the provincial child and youth advocates share concerns relating to degrees of freedom in decision-making, access to information, and insufficient resources. The variation in the mandates of the provincial child and youth advocate offices and the multi-level jurisdiction in matters affecting children point towards the need for a federal-level commissioner or advocate for children. (p. 14)

### *Relationships*

When asked to identify the opportunities inherent to their positions, many of the Advocates stated that relationships were one of the most helpful resources supporting their work. Ms. Samler described the importance of connecting with others to help move things along and achieve certain objectives:

We were able to get a fair bit done, lots of things done informally, because I had worked in government, funded different societies, and so on. So I knew a lot of people and that helped me get things done...I valued having relationships and connections with so many people because they helped me resolve issues in different areas. I valued my relationships with people and I could call them and say, I am in this situation; what do you think I should do? All of those advisers from all different levels really helped me move forward.

Similarly, Mr. Bernstein spoke about the importance of relationships and collaborating with others in an attempt to develop an understanding about how to help solve different issues:

I think it's also important not to become insulated and to engage in collaborative work and join in with other stakeholders. I worked with pediatricians, physicians, social workers, to try and build upon expertise in different disciplines, always taking a broad perspective.

In addition to this, Mr. Bernstein also identified the significance of talking to people to understand their experiences, and viewed this as an opportunity:

Talking to people who are going through these experiences who tell you – we can't play games with our children anymore, the stakes are too high.

Ms. Finlay expanded on the different types of relationships and how these were helpful to

her when she served as Ontario's Advocate for Children and Youth:

It was having academics support our positions – advocacy groups, groups of youth advising us – that was really powerful. So it wasn't so much the authority of the Office although we had some, it was the ability to engage with external advocacy bodies and groups and families, for example, that's really where the momentum for change came from.... Your power is not the legislative authority, your power is your relationship with the various levels of the government – that was the best tool we had – the relationship I was able to form at the different levels with the different parties, and use that professional credibility I had in order to make movement happen. They began to trust me and realize that what I said was right, and it moved from there.

In line with this, a discourse analysis of the Senate Standing Committee (2007) supported the idea of relationships, not only for the Advocates amongst other professionals but also, the relationships that can serve to be advantageous between children and their parents.

The Committee explains their perspective specifically in regards to corporal punishment:

As suggested in the United Nations' recently released seminal study on violence against children, which used the Convention on the Rights of the Child as a framework for its discussions and recommendations, gender-sensitive parental education programs should be developed to promote healthy parent-child relationships, orienting parents towards constructive and positive forms of discipline and approaches to child development, while also taking into account children's evolving capacities and the importance of respecting their views. (p. 69)

### *Media and Public Accountability*

Many of the Advocates identified the media as a beneficial resource in helping their work progress. Following on from this fact, some of the participants further disclosed that various media sources served as an effective means to establish different levels of public accountability. Ms. Finlay contends:

It could be sparked by the Advocates but if there wasn't momentum externally then it wasn't of much value. If there wasn't youth voice attached, if media wasn't

interested in what and how to pick this up, then there wouldn't be movement. The only way you make policy change is through public accountability. I could tell the government until I was blue in the face about some change they needed to make, or bring advocacy groups with me to say that, but the minute it was on the front page of a newspaper, or now a media source, then there was change almost automatically.

Ms. Finlay continues:

If there was one story – not much change; if there was a series of stories, a lot of change. So, if the public had access to powerful information then it had legs; then you would see power through change and we knew that, so we became very strategic. We used the media and they used us strategically. The tool was public accountability – if people read something outrageous on the front page of the news it caused panic and that's when you would see change, was if the government looked really bad.

Mr. Richard also spoke about the media as a means to elevate and fortify his own professional voice:

I had lots of media attention, which amplified my voice. It was very helpful.

This finding also emerged out of the discourse analysis of relevant media pieces pertaining to the Advocates. Specifically, various media pieces have drawn public attention to the numerous issues involving many of the Council members, both in the past and currently. To cite one example, an article highlighted Mr. Elman's frustration regarding the limited investigation powers his Office has (Monsebraaten, 2014b). Ms. Finlay expressed her concern over Canada's child welfare system. Specifically, she drew attention to Ontario's group homes and their use of institutional solutions to try and discipline and control young people (CBC News, 2007). Mr. Bernstein also appeared in the media to voice concerns surrounding the stigmatization and negative connotations attached to young people in care of the State (Monsebraaten, 2015).

*Research and Academia*

Some of the Advocates disclosed that academic research and their own access to academia was a helpful resource that informed their work. Mr. Richard explains:

Research staff that were able to speak to resources was helpful. Our department said, this is useful to us in advocating for children's rights and interests and something that we just decided to do, and it involved a lot of work for a small Office but it allowed us to develop partners and it was almost like a report card for kids that go to school – parents normally think that's a useful tool.

Ms. Finlay also spoke about the benefits of university-based research:

Having access to academia was helpful because you always need academic tools and empirical information to be able to advocate.

In a similar way, Mr. Bernstein described the importance of research in his own work:

If I had a view that I thought was substantiated on the basis of evidence-based research, expertise that I was able to draw from, and I had an informed view and it was on an area of potential policy, an issue that could affect the well-being of children, then I thought I had a responsibility to speak out.

These findings are also apparent in a policy report by British Columbia's Ministry of Children and Family Development (2011) which offers successful tips on advocating for children and youth. The report explains that successful advocacy involves collaboration with young people, families, professionals in the field, and also entails preparation through the gathering of helpful information to keep the rights and interests of children and youth at the forefront (p. 1).

### *Children as Agents of Change*

Another important resource the Advocates identified were children and youth themselves and the perspectives, viewpoints, and experiences these young people could offer to help the march towards positive change. Mr. Bernstein touches on this notion:

I think that what helped me was hearing from some youth reference groups and getting their perspective in terms of how they experienced services. We had a



young person working within the Office who was involved in facilitating the sessions with groups of young people, which was helpful.

Ms. Samler succinctly highlights young people as an important resource:

For me, the best resources were the kids.

Similarly, Mr. Elman expands on this notion:

I also think our travel budget is really important, so our ability to go to young people and get young people to be with us. [The young people] always say there is nothing that beats face to face. People say we can do more by using the Internet because young people get together on Facebook, but when you actually ask them, they say its still not better than when we meet you face to face – that’s still exemplary. That was good learning from them.

Through discourse analysis, this finding was also evidenced by exploring Mr. Elman’s “*I have Something to Say*” initiative which aims to empower young people with disabilities in a way that strives towards social change. Mr. Elman explained his rationale behind this project:

Like you and I, young people with special needs have ideas, dreams and talents; yet many are kept on the sidelines of their own lives when it comes to decision-making, denied opportunities, and access to the critical supports and services they need. As a result, many children and their families find themselves struggling, alienated, and discouraged from achieving their goals. (News Wire.ca, 2016, para. 4)

### **What are the Barriers affecting Advocacy?**

The second research question of this study also examined the barriers associated with the day-to-day work of former and current members of the Canadian Council of Child and Youth Advocates. Multiple questions were posed that asked the participants to identify the barriers that ultimately hinder their ability to advocate with and for children and youth.

## *Time*

The participants identified time as a major concern and a barrier to their overall work. While some highlighted concerns around not having enough time to address all the issues that are presented to their respective Offices, others expressed general concern over the slow pace of change. In this regard, Mr. Elman stated:

The biggest [barrier] I think – is time. There's so much to do and it just feels like we can't do everything at once and we can't do as much as we would like to do and even then, people think sometimes (and I think sometimes) we are doing too much and too many different things. People are trying to gain a focus and there's so many groups of youth to partner with and so many that come forward.

In his interview, Mr. Bernstein referenced Mr. Richard and spoke about the importance of establishing an appropriate term of appointment that enables an Advocate to fulfill the responsibilities of the position in the most efficacious way.

Bernard Richard was commissioned to look at the role of independent Officers. There's a very excellent report and he stated that all of the Officers should have a single, non-renewable term for seven years. I think that is a good process – five years isn't sufficient to start something but also, these Offices need to be refreshed and need individuals who can come on and build upon the foundation.

On the other hand, Ms. Finlay, in making reference to time in her interview as well, discussed her frustration regarding how long it takes to actually see things change.

They dragged their feet for seven years, I didn't want to stay that long but I stayed to the minute the legislation was signed.

Similarly, Ms. Samler expressed an identical frustration:

I'm overwhelmed by how slow it is and how we miss opportunities.... There is lots of good stuff going on and you have to remember the good stuff and you can't let it get tainted, but it drives you sometimes knowing that it isn't enough

and we should be impatient.

Moreover, this theme was also supported from findings that emerged from the discourse analysis. Specifically, the Senate Standing Committee (2005) expressed a similar concern regarding cooperation amongst the different levels of government:

The Committee notes that Canada's federal nature produces unique challenges for efficient and effective application of the Convention. Because this particular Convention spans so many issues falling within different jurisdictions set out in the Constitution, and because of the sheer complexity of coordinating 13 jurisdictions, the federal government frequently faces situations in which federal-provincial-territorial cooperation is slow. As stated by Minister Dosanjh, "Having come from the provincial government to the federal government, I can tell you that a lack of coordination exists at all levels of government and remains a serious issue." (p. 65)

#### *Funding / Resources*

A lack of funding and resources was another common barrier that some Advocates identified in their interviews. Many of the participants spoke about the importance of having an adequate measure of resources to carry out their work. For instance, Ms. Finlay asks:

How do you really get to the kids that need the Advocates? I know even today that foster kids don't have access to the Advocates and they are very vulnerable because there are no eyes on them; there's still very vulnerable populations that don't have access to the Advocates. So how do you make that access happen? That's a barrier from my perspective and that's probably a resource issue.

Although Mr. Elman emphasized the importance of having sufficient resources to support the work of his Office, he also spoke about the variety of funding issues he has encountered while attempting to work with young people:

There's financial considerations. People with decision-making ability are very frightened about spending money these days.... And that's a worry. I've been with a minister who started that conversation with, "I want to remind you that we have no money." I think in Ontario, politicians and government (whatever level)

start the conversation with that, which in my estimation limits what's possible. Young people have told government – start the conversation by what do we need to do, not how much is it going to cost because let's have the attitude that we are going to figure it out and make it happen once we know what we want to make happen. But you don't even get to the part of what do we need to do because you don't have any money and that's not useful.

Mr. Richard also referred to resources as a potential barrier in advocacy work:

Resources is always an issue. Having adequate resources was a challenge, and I was in a unique position because I occupied the Ombudsman mandate and the Child and Youth Advocate mandate and Right to Information and Privacy commissioner role (all three). That's no longer the case because they hired three people after I left. Good progress, but it was a major challenge at the time, having enough resources to cover all those roles at the same time.

An analysis of a relevant media piece strengthened the interview findings. As one example, in 2014, the Alberta government made large budget cuts to Alberta's Office which ultimately took a toll on the children and youth living in that province:

In December 2014 the Tory government cut \$275,000 from the child and youth advocate office.

At the time, Graff warned the cut would hurt vulnerable children. He pleaded with a committee of MLAs to restore the funding, but the Tory-dominated committee rejected the request. (CBC News, 2015, para. 4-5)

Although this funding cut was eventually restored, this initial cutback affected the Office's ability to investigate the deaths of children in care. While this is but one example, the participants spoke about similar cases in their interviews and how, ultimately, they can only do so much with limited funding and/or resources.

### *Political Considerations*

Another main finding that emerged from the interview data involved the critical importance of political considerations. Many of the Advocates noted that it was important

to foster a sense of awareness and criticality towards the politics involved in their work.

Ms. Finlay discussed how certain political obstructions hindered her work:

We went through a political period that was very conservative – literally, conservative. Really oppressive, particularly for children and women, and the word advocacy was just not a good word at all and so there was so much pushback. I went through a really tough time and violent time where there was a lot of violence directed at the Office because we were outspoken on behalf of young people and that wasn't going to be tolerated. So it became a huge political issue...I learned quickly about the disconnect between public authorities and the politicians. There was a real disconnect between what the bureaucrats wanted the politicians to know.

Although Ms. Finlay served as the Advocate for Children and Youth in a very different political period than the present, Mr. Elman, too, identified politics as an important aspect that had to be acknowledged in his work:

There's always political considerations in anything that we ask people to do and they are frightened what a move might mean.... When I first took the job, when I was deciding should I take this job, people were saying: you are young, you know you will never get another job after that. I remember in my first term I always knew I had the opportunity to have a second term and I don't think I made any decisions based on that, but it was in the back of my mind. How do I make sure I'm seen as effective if I wanted a second term? I think that for Advocates, that second term does come into play. I didn't realize it until I got my second term and realized, oh well, I can do what I want – do you hear that? “I can do what I want, now.”

Mr. Elman draws attention to the fact that at one juncture during his first appointment, he sometimes hesitated before he acted on certain issues to reflect on the political ramifications that were attached to these decisions. Similarly, Ms. Samler reflects on this whole notion:

Government was difficult – it was difficult for governments to pick something that had been embedded in one of their ministers and hear the reports before they were published and they had some control over this Office...some people hesitated and thought: If I get into that, there is going to be trouble.

Mr. Bernstein also shed light on the political relationships that he observed and their

effect on different decision-making processes:

It's up to the decision-makers – government officials, legislators, or parliamentarians – to actually make those decisions, while we have the leverage and are in positions that have appropriate stature; it's also important to cultivate strong relationships. You can have all the power in the world, but because you can't make the ultimate decision – it's about having credibility, people's trust in you, developing strong relationships – that's really important if you want to influence change.

An analysis of Monsebraaten's, (2014b) media article also sheds light on the political tensions inherent in the Advocates' positions. Specifically, this source highlights Ontario's Provincial Advocate for Children and Youth – Mr. Elman's struggle to obtain the investigative power his Office desperately seeks.

Elman, the province's first independent advocate for children and youth, has been pushing for more access to information about children in his mandate, especially those who die in care, since he was first appointed in 2009.

Elman is also seeking whistleblower protection for employees of service providers who report concerns.

Without the changes, the provincial advocate would be the only officer of the legislature — and the only child and youth advocate in Canada — lacking these powers, Elman argues.

“As a general rule, the status, rights and privileges of legislative officers ought to be equal,” he says.

Ontario's ombudsman, auditor general, chief electoral officer and commissioners for information and privacy, environment, integrity and French language services all have powers to investigate anything within their mandates and to compel disclosure of any relevant information, Elman notes.

In his interview, Mr. Elman made reference to this issue and reiterated the importance of being aware of certain political issues that may be restricting towards his Offices' work.

### *Resistance to Youth Voice*

While many of the Advocates discussed mechanical and technical barriers they

faced in their work, the participants also highlighted the major barrier that involved resistance to the voices of young people. Ms. Finlay explains:

There's many barriers – resistance, if I hear one more time that elevating the voice of youth devalues the voice of parents... there's that whole attitude about the position and the role of children, generally speaking. I think one good thing about the Advocates is that they raise that in a way that is positive.

Mr. Elman expands on this notion:

In some ways government thinks they have done their job when they have a nice framework and everything is supposed to work – and it looks good and is hard to argue sometimes on paper. But on the ground, that's not what youth experience. To try and fill that gap is both the opportunity for Advocates but a challenge, because when you do it, it's difficult to create the change that is necessary. That's a challenge: The challenge between good words and life on the ground is a challenge and gets in the way.

These findings are in line with Geigen-Miller's (2006) policy report which examined child and youth advocacy Offices abroad in order to examine the current state of Ontario's child advocacy services. While the report highlighted the role of “partisanship and political patronage” (p. 31) throughout certain advocacy Offices, it also found the following:

Findings reflect a province that lacks commitment to children's advocacy and, as a result of that lack of commitment, is deaf to the voices and concerns of vulnerable children. (p. 25)

Overall, the Advocates agreed that one of the most limiting factors to their work was when the voices and views of young people were ignored or further silenced.

### *Mandate*

Both former and current members of the Council spoke about the mandate(s) governing their respective Offices, and how these frameworks could ultimately act as

either a barrier or opportunity in their work. In this instance, many of the Advocates shared that the mandate guiding their Offices were limiting for a variety of reasons. Mr. Elman touches on the issue of access to information and how this is not specifically incorporated into the mandate covering child and youth advocacy. As a result, his Office is constrained and cannot fully investigate certain cases that come to his attention:

We don't have investigation powers and we don't have access to information clause; that means we can't get whatever information we want and that's an issue.

Mr. Bernstein also voices his concern around this issue:

I think the investigation powers should be an integral part of the whole repertoire of functions that the advocate in Ontario holds. In Ontario, we made the case (and Irwin supported this) that it's limiting just to say that he can only investigate matters of child protection – it tends to create backlash and give the message that if that Office has powers of investigation, it's things that are going wrong, are within the child protection system. It makes people who are doing that work feel as if they are under scrutiny.

Mr. Richard expands on his experiences before his Office had access to information and the difficulties that arose as a result:

Some of the issues that would come up would be having access to information to files and would hinder our ability to investigate complaints. I lobbied for and eventually obtained amendments for that, to the Ombudsman Act, for pretty much full access through information for the government. At one point, I took the government to court – that had never been done before in New Brunswick in the four-year history of the ombudsman so I think it was noticed and it was in the media a fair bit – and eventually, we settled with the government. They agreed to provide the information we were looking for. But I think that's critical: getting access to the files when investigating and obviously there can always be disputes in terms of whether we are overstepping our jurisdiction or not.

Ms. Finlay highlights similar concerns involving jurisdictional issues at the national level:

Each province can do what they do but it's provincial; the council can rule



together and they have somewhat of a voice but not really because they are not legislated to do so. They are an affiliation, coalition, and association; they have no authority, really, they can have influence by having a voice but they have no authority.... We certainly have a voice in our own province but there is no national voice at all.

Mr. Bernstein shares identical experiences:

Although I maintained jurisdiction on reserve, the problem was that the funding of those services came from the federal government. It became very difficult – I could identify an issue, or a young person could say I’m not getting the same level of services, and I could speak out but I really only had partial responsibility and jurisdiction – I didn’t have a colleague who could be working with me to identify the problem.

Additionally, this theme was revealed within the discourse analysis of the study.

Specifically, Geigen-Miller (2006) found the following in his report, he notes, “The Advocacy Office’s mandate is limited and conditional on the cooperation of the very ministries that the Office is intended to monitor and hold accountable” (p. 25).

### **On the Need for a Federal Children’s Commissioner**

After exploring how participants conceptualized child and youth advocacy, along with the opportunities and barriers associated with their day-to-day work, an analysis of the data revealed one area where unanimous consensus exists: the need to appoint a federal Children’s Commissioner in Canada to pull the work of the Council together.

#### *Provincial and Territorial Advocates conduct “patchwork”*

The participants agreed that in the absence of a federal Children’s Commissioner in Canada with a national perspective, provincial and territorial members of the Canadian Council of Child and Youth Advocates lack a national, comprehensive standard for their work across different areas of the country. As a result, the Offices are run quite

differently from each other, which is why some participants referred to their work as patchwork. Ms. Samler explains:

When I look at Canada and the structure that we have, its kind of like patchwork on a quilt of advocacy. Different provinces have different ways of doing this and I think most people see that, in a way, as a limitation, but what you have is different people all over the country telling you different things and that can be positive but we need to pull it together with a [federal] commissioner.

Ms. Finlay expands on this notion:

There's many issues we looked at but they had to be generated across the country. There had to be a national issue involved for us to work together on a particular concern. It was to make sure it was a national voice on these issues – each province is responsible for advocating dependent on the legislation; so there's provincial legislation around child welfare, some have some around children's mental health and special needs, children's rights legislation. But the national legislation like the Criminal Justice Act, the Divorce Act, like all those kinds of federal legislations – provincially, you can't influence, so that's how we joined to have a national voice, to be able to influence provincially and nationally.

In his interview, Mr. Bernstein described the differences between the provinces and territories and how these distinctions ultimately influence the way the work of the Offices unfold:

There are common elements that are incorporated into each of our positions but then there are also legislative differences from jurisdictions. Mine was probably similar to places like New Brunswick and Newfoundland in terms of a broad legislative scheme. Unlike some jurisdictions where the advocate's legislation limits them to certain areas of activity – services that are provided by designated ministries or departments – I had the ability to advocate in respect of children and young people who had been exerted by any government, ministry or agency. It wasn't limited to just child welfare or criminal justice but related to things like education, health, corrections. So it could be any government ministry or agency, which I found to be very helpful because, as we know, children cross over from one sector to another. If you really want to make a difference in their lives, it's helpful to have jurisdiction that deals with children holistically rather than compartmentalizing them saying, well, if it relates to the subject matter, we can do something.

Mr. Elman had a similar perspective and expanded upon his attempt to provide cohesion

amongst the different provinces and territories as President of the Council.

The Council is like the Council of Confederations where people come with a set of legislation that tells them what they can or can't do. They come with a particular context and each province and territory is different, and they come with a set of political considerations and points of view. Being president of the council is trying to find ways for this group of people to be a common group, because in the end, we all have children in common. The tension of the council is coming around young people to do advocacy right to make change – to elevate that voice. So how can we come around them to do our work better? What can we learn from each other and how can we support each other in our own jurisdictions?

In line with this finding, an analysis of the Concluding Observations of the Committee on the Rights of the Child (2003, 2012) displays that committee's continuing concern regarding these matters:

While noting that most Canadian provinces have an Ombudsman for Children, the Committee reiterates its concern (CRC/C/15/Add.215, para. 14, 2003) about the absence of an independent Ombudsman for Children at the federal level. Furthermore, the Committee is concerned that their mandates are limited and that not all children may be aware of the complaints procedure. While noting that the Canadian Human Rights Commission operates at the federal level and has the mandate to receive complaints, the Committee regrets that the Commission only hears complaints based on discrimination and therefore does not afford all children the possibility to pursue meaningful remedies for breaches of all rights under the Convention. (p. 5)

#### *Provincial Protocol and Federal Protocol Needed*

In their interviews, many of the participants voiced their opinion regarding the need to develop and establish a comprehensive framework for the provincial and territorial Advocates' positions across Canada. While many spoke about the differences between each of the Offices, they agreed that a cohesive framework would be advantageous in bringing all of the Advocates together on the same page. As a first step, many stated that each Advocate should be appointed to one, non-renewable term of at least seven to 10 years. Ms. Samler contends:

I think the five-year term plus the five-year extension is essential because I would hope the person coming in would make a 10-year commitment (which is what Irwin [Elman] has done).

Mr. Bernstein builds on this notion:

Although I stayed for one term, probably in year four of the five, I could have been re-appointed but I started looking over my shoulder and wondering – how is the legislature in a different party responding to some of my statements? Are some of them feeling I have been too bold? Do I need to temper some of my comments in a particular way? Do I need to be conscious of some of the things I say because I am up for early appointment and how might that negatively affect the appointment? I think what I see is that I had doubts and questions when I was in Saskatchewan, and having looked at these issues and the roles of these offices since I've come to UNICEF, I'm even more convinced that there should be a single, non-renewable period of about seven years.

Mr. Richard shares a similar perspective:

[Fear of career termination] was never a fear for me personally because I got into the role later in my career. I did, however, play close attention to provinces where mandates were renewable and that became a concern to me because it's a really interesting position, you can make a difference so most of the people who occupied them want to see their mandates renewed, they would like to continue to do the job. So, that's true of the ombudsman as well, and I had noticed near the end of a first term it wasn't rare for some office holders to become less aggressive, less in the media. After I retired I was asked to do a review of all of the roles and I recommended non-renewable, so whoever the advocate was they would be independent from day one to the last day on the job; they wouldn't be concerned about being renewed because they couldn't be under the legislation.

Another point the participants made was that there should be a cohesive set of standards that apply to all Council members. Mr. Bernstein expands on this as he makes reference to the Committee on the Rights of the Child General Comment Number Two regarding the role of Independent National Human Rights Institutions in the Protection and

Promotion of the Rights of the Child. He explains:

The approach that I have taken since tenure, which ties into the powers I had in Saskatchewan, the kind of framework that exists in places like Saskatchewan and Newfoundland are closer to the Paris principles, are closer to General Comment Number Two in terms of the Recommendations on the Rights of the Child. This really should be the kind of framework that we should be aspiring to here in this country, in that it's problematic when you have significant deviations from these

offices from place to place because it means that those children who live in particular provinces or territories may be receiving better advocacy or less influential advocacy based upon where they are born or where they reside. Or what happens if the family moves from one jurisdiction to another? Recognizing that there is a need for flexibility and different advocates have different approaches and some work in different ways and we can't have a cookie-cutter approach, but there should be basic human rights norms that apply to these offices. I think that is an element that is missing in this country.

Ms. Samler comments on the differences between the Offices and highlights how a National Children's Commissioner would be beneficial in helping to organize the Council members and their roles across Canada:

If I look at Saskatchewan versus Ontario versus New Brunswick, they are all different and I can see a Commissioner saying, here are the basic standards that apply for advocacy across the country, but then each one within those standards would have its own unique role.

Ms. Finlay makes reference to child and youth advocacy on an international scale and highlights the potential learning from these countries if Canada adopts similar frameworks.

I know Norway was just before us but their concept of advocacy is more systematic; even in Britain, they have more influence, I think, because it's a federal body – this is the case for most other countries as well. It's a federal body it's not provincial, Germany is looking at theirs now but mostly they influence federally which makes a big difference. We are a huge country and we have provinces and so it's a big difference between provincial and federal legislation.

Many of the participants also discuss the need to, firstly, develop the role of the Children's Commissioner, which would then help to determine a comprehensive set of standards for the Council members. Ms. Samler argues:

Everything seems to be a priority and I think the government really needs to just say – we are actually going to do something, for instance, about the missing Aboriginal girls. Maybe they first need to really think through what they want this Commissioner to do and what they need this Commissioner to do and what powers they need and, if they get that right, I think it would be helpful. And it would be okay if they took a long time to do it but as long as they establish what

they need and want for that role first.

Mr. Richard shares his view about coordination between the federal and provincial/territorial levels.

I think [a Children's Commissioner] would be complementary – I am also a former Right to Information Commissioner and there was a federal Right to Information Commissioner because there are certain rights to information in some legislation that is federal. The Commissioners would get together at least once annually and compare notes and look at best practices, and I think that would be the kind of relationship that would exist between a federal Commissioner and the Child and Youth Advocates.... I'm thinking kind of a different view in terms of a Children's Commissioner, because I think in terms of Canada that it would probably be best not to ask for a broad mandate – it should be limited to systemic issues but they can't be informed by individual cases.

Mr. Elman also addresses the importance of determining the legislation that will guide the Commissioner's role:

The first thing I would say is, it comes from the UN member on the CRC that came to Canada. We invited her to Canada after she released her report and she met with the Council, with my Office, and my Office was part of giving her the tour. I remember her coming to the Council and privately talking to me and saying, "you guys are focused on having a national Commissioner but what I really think you need is something for that Commissioner to anchor themselves in, some kind of legal Charter of Rights, legal entitlements for children in your country because if you just set up a national Commissioner and you don't have that, it's meaningless." From her point of view, what are they going to do, write reports and say things – shame and blame.

These findings were also appeared within the discourse analysis of a relevant policy document. The Standing Senate Committee (2005) made reference to the importance of a federal Children's Commissioner in Canada and also provided an overview of what the position could entail:

The Committee recommends that Parliament establish a Children's Commissioner to monitor implementation of the Convention and protection of children's rights in Canada. The Commissioner should be an arm's length independent institution, with a statutory duty to have regard to the Convention and to involve children in

its operations. The Commissioner should be mandated to conduct ongoing reviews of federal legislation, services, and funding for programs affecting children and their rights; to report annually to Parliament with its assessment of the federal government's implementation of the Convention; to undertake studies with respect to systemic issues affecting children; to conduct education campaigns; to dedicate a highly placed officer to the investigation and monitoring of the rights of Aboriginal children; and to act as a liaison with the Canadian Council of Provincial Child and Youth Advocate. (p. 6)

*Federal Power Needed to Reach Beyond Provincial Jurisdiction*

When the participants were asked about the importance of appointing a federal Children's Commissioner in Canada, many of the Advocates highlighted the need to establish an increased sense of authority at the federal level to ensure specific groups of young people do not fall through the cracks. Ms. Finlay explains:

More would have been done for Aboriginal youth by now had there been a Commissioner; more would have been done for youth justice had there been a Commissioner; more would have been done around health, for example, if there was a Commissioner for mental health – it's dealt with provincially but it's a national issue. We can go on and on and on – the environment is another thing – youth could have a very powerful voice around the national issue of the environment if there was a Commissioner. I think of politics moving, which speaks to who will and will not have a true voice. I think with Justin Trudeau, that there will be a Commissioner and I think he will allow that to happen. I think that's a good thing but we need to struggle a bit with what that looks like and what that Office would look like and how it would be mandated and funded.

In the same regard, Mr. Richard shares his point of view:

Some children fall outside of the formal mandate of most child and youth advocates – Aboriginal children are in particular because they get most of their funding of services from the federal level, and the federal government sometimes does not cover certain areas.... There is lots of work and advocacy that can be done in that regard that's why we need a Commissioner in Canada: Many of those vulnerable children live in First Nations who face violence, poverty, crime, overrepresentation in the child care system and courts of justice, the prison system – the list goes on.

Ms. Finlay amplifies this point, further explaining:

I think [appointing a Children's Commissioner] is really important because look at issues like Aboriginal youth, for example, and how they are treated across the country, not just provincially. What Cindy Blackstock is doing with the importance of child welfare and Aboriginal kids, she had to take it to the Human Rights Commission and she had to take it all the way up to the Human Rights Tribunal, in order to have an impact nationally. Had there been a Children's Commissioner, that's exactly where it would have been – it wouldn't be the battle she is now going through – it would go through the Commissioner so that's one really good issue. Youth justice is another one. We did influence the creation of the Youth Criminal Justice Act there's no doubt about that if you read it – its rights-based and you will see the role of the Advocate but not as much as we could have had, if we had a national body, an official national entity that reports at the federal level.

Ms. Samler offers her perspective on the creation of a federal Commissioner:

We have the rhetoric and talk the good talk and say this is what we want to do – but it doesn't happen. The idea of having a Commissioner to be there and support from a Canada-wide perspective, is critical. I think it would have to be an independent Commissioner so they would have to report to Parliament and not to a ministry or the government. I think the legislation would need to be strong so people would need to think it through. What does this position need to look like to be able to complete the job we want done? It would be things like making sure kids' voices are heard right across Canada. It could take all the federal legislation and say: If we are going to provide this legislation what would it mean for children – whether it's something specifically like a young offenders kind of legislation, or if it was something on just the budget role – what is actually going to change?

Mr. Bernstein highlights the Commissioner's potential role in fortifying and incorporating the fabric of the CRC into Canadian domestic law:

We don't have a legal system where the convention is automatically part of Canadian domestic law. There's an obligation, when you ratify a convention, to consider and assess potential legislation and policy so as to be consistent but it doesn't automatically – it's not part of our Constitution and it hasn't been totally incorporated next to Canadian law – oftentimes what that means is that you have to incorporate it in specific legislation and make it specifically applicable to particular sectors. There are provisions in some child protection legislation across the country, that speaks to the rights of children in care but don't speak to the rights of children who come into contact with those agencies and don't speak to broader rights that apply to the UNCRC. So how do we harmonize this?

Ms. Finlay also comments on the potential Commissioner's role with regard to the CRC:



If Trudeau promotes a federal Children's Commissioner then I think the UNCRC will become well established – that's our vehicle to get the UNCRC recognized, is through a Children's Commissioner. I would put my energy into that, it's very concrete and in that person's job description you would see the UNCRC. That's the way to go to see movement.

Similarly, this was augmented with data that underwent a discourse analysis. The Senate Standing Committee (2007) voiced their concern in a similar regard:

In particular, the Committee on the Rights of the Child criticized Canada's lack of a federal monitoring body in its latest Concluding Observations:

The Committee notes that eight Canadian provinces have an Ombudsman for Children... the Committee regrets that such an institution at the federal level has not been established.

The Committee recommends that the State party establish at the federal level an ombudsman's office responsible for children's rights and ensure appropriate funding for its effective functioning. (p. 202)

While various reports have analyzed the importance of a Canadian Children's Commissioner, the Honourable Landon Pearson also authored a report highlighting the roles and responsibilities of a potential Commissioner (Pearson & Kraft Sloan, 2001). Fifteen years later, with a drastic shift in government, Prime Minister Justin Trudeau has promised the appointment of a federal Children's Commissioner. A recent piece of election propaganda from the last campaign expands on these promising intentions:

August 4, 2015 – Marc Garneau, Liberal candidate for the riding of Notre-Dame-de-Grâce–Westmount, announced today that a Liberal government would establish an Office of the Commissioner for Children and Young Persons in Canada.

A Commissioner for Children and Young Persons would meet a pressing need for our youth, which is to have their interests and rights given full consideration at the federal level," Mr. Garneau stated. "Canada ratified the UN Convention on the Rights of the Child in 1991, so it is high time we put in place mechanisms to ensure that those rights are fully protected." (Liberal Party of Canada, 2015, para. 1-2)

Overall, the interview findings demonstrate that child and youth advocacy in the Canadian context is understood by these former and current Advocates as a complex and multifaceted phenomenon. Child and youth advocacy is not a job or a specific event, it is a way of life that incorporates various elements. Although the study reveals advantageous resources and opportunities the Council members utilize in order to fulfill their mandates, the findings additionally highlight the barriers Advocates often face when they attempt to help various groups of young people in different areas across the nation. Ultimately, the findings of this study expose an urgent need to appoint a federal Children's Commissioner if child and youth advocacy is to advance in the Canadian context.

### **Discourse Analysis Data Augmented by Interview Data**

#### **Legislation Guiding Canadian Council of Child and Youth Advocates**

Across Canada, Offices of the Canadian Council of Child and Youth Advocates operate under distinct pieces of legislation that guide members' day-to-day work (Geigen-Miller, 2006; MacLean & Howe, 2009; Whitehead et al., 2004). An analysis of relevant legislation pertaining to the Offices' of the Council members found that these pieces of law provide both opportunities and barriers for the Members work.

#### *A Barrier and an Opportunity*

In British Columbia, the Office of the Representative for Children and Youth is shaped primarily by British Columbia's *Representative for Children and Youth Act* (2006). Under this legislation, the Representative for Children and Youth has the power and authority to advocate for young people in an attempt to increase their understanding of the social services they are entitled to (Representative for Children and Youth Act

[RCYA], 2006; Representative for Children and Youth, 2015). The Representative also has the ability to monitor, review, audit and report publicly on these services, and conduct independent reviews and investigations into cases where a lack of such services has resulted in serious injury or death of young people. Between June and September 2014, 106 critical injuries and 31 deaths of young people in care or receiving reviewable services were reported to the Offices. Each of these cases had an initial screening by the Representative and her staff to determine whether each injury or death met the criteria for a specialized review (Representative for Children and Youth, 2014). Although the Office can initiate these investigations, the Representative can only do so when services are deemed reviewable and, thus, have limited authority in this domain (RCYA, 2006; Representative for Children and Youth, 2015). In addition, the legislation places restrictions on B.C's Representative. Although Ms. Turpel-LaFond is currently on leave as a judge in youth criminal justice, in her current position she does not have the authority to act as a legal counsel for young people (RCYA, 2006; Representative for Children and Youth, 2015).

Nunavut's Office of the Representative for Children and Youth is shaped by Nunavut's *Representative for Children and Youth Act* 2013. However, Nunavut's first Representative was not officially appointed until June 16, 2014. Council members were enthused to finally welcome a Child and Youth Advocate to the territory of Nunavut, and a news report highlighting the event emphasizes the need:

With 30 per cent of the population under the age of 14, Nunavut has the youngest population in Canada. The territory also leads the country when it comes to suicide, poverty, hunger, violence and a low high school graduation rate. (CBC News, 2014, para. 5)

These challenging facts highlight the urgent need for a Child and Youth Representative to work with and for children and youth to improve the living conditions in Nunavut.

Although Ms. McNeil-Mulak faces similar restrictions as the British Columbia Representative (e.g. her inability to act as legal counsel for young people), under Nunavut's *Representative for Children and Youth Act* of 2013 her work may serve to help reduce the high rates of suicide, deprivation and school failure noted by media.

On April 1, 2012 Alberta's Advocate became an Independent Officer of the Legislature reporting to the Minister of Human Services, and was removed from their former role under the Minister of Children and Youth Services (Office of the Child and Youth Advocate, 2014). The Office's name has now changed to the Office of the Child and Youth Advocate as it is framed under Alberta's *Child and Youth Advocate Act* 2011 (Office of the Child and Youth Advocate, 2014). Similarly, other Offices in Canada are shaped by their provincial or territorial legislation including: New Brunswick, Newfoundland and Labrador, and the Yukon.

Although the specifics of each *Act* vary in general, the Alberta *Act* outlines the main functions of the Advocate which are to represent the rights, interests and viewpoints of children (Child and Youth Advocate Act [CYAA], 2011). This is a common theme for all members of the Council, and under this *Act*, the Advocate cannot act as legal counsel for young people but does have the power to: "appoint, or cause to be appointed, lawyers to represent children with respect to any matter or proceeding under the *Child, Youth and Family Enhancement Act* or the *Protection of Sexually Exploited Children Act* or any matter or proceeding prescribed by regulation" (CYAA, 2011, S.C. 9(1)(c), p. 6). On the other hand, the Advocate faces issues pertaining to investigation powers. Mr. Graff

reported to the print and electronic media on February 10, 2015 that his Office faces severe funding issues that have a direct effect on their work with and for young people:

Launching over 50 child death reviews in the last fiscal year alone, Graff says he fears that it will now take longer for his office to complete a review – potentially up to two years – if [three investigators and two analysts in his Office] do not receive extra funding. (Dykstra, 2015, para. 6)

Similarly, New Brunswick's Child and Youth Advocate faces barriers under New Brunswick's *Child and Youth Advocate Act* 2011 which includes inefficient monitoring of CRC implementation. Mr. Bosse is striving to develop a child rights agency as a result of the following, "Bosse says some basic rights for children are being severely affected in the province because the programs in place are sometimes not working. He says such an agency would be able to track how the province is doing" (Tide News, 2015, para. 3-4). Newfoundland and Labrador's Child and Youth Advocate, Ms. Chafe, is under similar circumstances. On September 24, 2014 she discussed with print and electronic media the gaps within existing legislation guiding her Office:

It should not have required an access to information request to reveal that 35 children receiving government services have died since 2009. I really feel that I should have known those from Day 1. I've only been notified of two of those directly from the department of Child, Youth and Family Services.

If I don't receive notification when a death occurs, or a critical incident, then I'm really not fulfilling my mandate.

Chafe called last June for legislation requiring provincial departments to promptly inform her of any death or critical incident involving young people receiving government care. (Bailey, 2014, para. 1, 2, 3 &14)

In Yukon Territory the newly appointed Child and Youth Advocate, Ms. Annette King, highlights institutional and professional barriers, as she lacks the power to override decisions made by the government pertaining to various child service delivery systems (Yukon Child and Youth Advocate Office, 2015). Moreover, a 2014 report by the

Auditor General of Canada highlighted the following statistics:

Only 63 per cent of children in the care of the Yukon government received medical exams and about half got their teeth checked once a year

[In addition] the government did not follow up on case plans for almost two thirds of children living in foster homes. (CBC News, 2014, para. 1 & 5)

In such cases, the Advocate cannot provide support to these young people as Yukon's Child and Youth Advocate Act (2009) places restraints on her ability to overrule government decisions surrounding youth in care (Child and Youth Advocate Act, 2009; Yukon Child and Youth Advocate Office, 2015). Although each Advocate faces unique barriers, multiple print and electronic media reports reveal that the issues Council members face are often due to the limits of the legislation guiding their respective Offices.

Saskatchewan's Office, for example, is shaped by the *Advocate for Children and Youth Act* of 2012. According to this *Act*, the sole purpose of the Advocate is to produce systemic change in an attempt to improve the lives of Saskatchewan's children and youth (Advocate for Children and Youth Act be consistent with italicizing the Acts \*\*Should in-text references be italicized ? [ACYA], 2012). In doing so, the provincial Advocate also shares responsibility to educate the public about the rights of young people under the CRC, along with advocacy services being offered by the Office, and investigating cases that come to the Advocate's attention. These cases frequently involve child services administered by various government ministries, and the needs of young people to resolve issues related to poor service delivery. While Saskatchewan's Advocate for children and youth is responsible for performing these duties, he is not prohibited from becoming involved in legal cases (ACYA, 2012), and he has recognized the implications young people might face when the Advocate is unable to assist with legal issues. As a result, he

proposed the development of a new legal program to help the province's children and youth in that province. Saskatchewan's government accepted the recommendation and, as a result, *The Public Guardian and Trustee Amendment Act, 2014 (No. 2)* was enacted to develop the "Counsel for Children Program." This program provides young people with the following support:

Counsel will be appointed by the Public Guardian and Trustee from a roster of trained lawyers upon request from the court, or on referral from the child, a family member, or another concerned person. Counsel for Children can assist all parties with an early resolution by focusing on the child or youth's perspective, which will reduce the need to go to court. (Busse, 2014, para. 4)

Saskatchewan's Advocate reported to the electronic media, the importance of the program:

With this program's launch, a child or young person involved in a protection hearing will have a lawyer to represent them, and help them share their opinions if they are able to articulate them. That's critical to respecting their rights. (Busse, 2014, para. 6)

While progress is seemingly evident in the Office's legal domain, there is no doubt the Advocate faces additional restrictions under the *Advocate for Children and Youth Act* 2012 such as issues with the child welfare system.

Manitoba's Office takes an alternative approach to child and youth advocacy by appointing both a Children's Advocate and also a Deputy Children's Advocate (Children's Advocate, 2015a). These Advocates work together under the "best interests" provisions of both the *Child and Family Services Act* of 2012 and also the *Adoption Act* of 2008 to review, investigate and provide suggestions on child welfare issues. Under this legislation, however, the Advocates are unable to make decisions for children in care, act as a legal counsel, intervene in custody matters or respond to emergency situations where

children are at risk (Children's Advocate, 2015a). There are detrimental implications as a result:

In a province where nearly 90 per cent of the more than 10,000 children in care are aboriginal, hotels are a reminder of the ill fate of the most unfortunate of the unfortunate. Many children in provincial care have already faced neglect. The lucky ones are embraced by loving foster families or reunited with their own. The unlucky ones lay their heads on rented pillows, dizzied by a revolving door of outsourced caregivers working shifts. (Carlson, 2014, para. 7)

On April 2, 2015, a female teenager housed in a hotel under the care of the Manitoba Child and Family Services Department was found in critical condition as she was severely sexually and physically assaulted (Canadian Press, 2015). This case, similar to the case of Tina Fontaine – a 15-year-old youth who ran away from the hotel where she was placed under the care of Manitoba's government and was found dead in a river – reveals the current state of Manitoba's child welfare system. Although Child and Youth Advocate, Darlene MacDonald, has released several critical reports about the practice of housing young people in hotels and has urged the government to find alternatives, limited progress has been achieved to remedy this situation (Canadian Press, 2015). Ms. MacDonald reveals that Manitoba's Office remains one of the only Offices where the Advocate is not an independent Officer of the legislature. She therefore asserts:

I am pleased that the government has gone on record saying they intend to introduce independent legislation for the Children's Advocate [but] instead of clear timelines, the government is now calling for more consultations and more committees on a long-studied and well analyzed gap in the system. Are we going to be sitting in the same place in another year from today? (Children's Advocate, 2015b, para. 3)

Although Manitoba's Office has the authority to respond to children by listening to their concerns, providing children with information on how to improve their situations, and affording additional information on the child and family services and adoption services in



Manitoba (Children's Advocate, 2015b), it is quite evident that an increase in the Advocate's power and authority is required to improve the state of Manitoba's most vulnerable youth.

In Ontario, the Representative for Children and Youth responds to inquiries from young people and families who are seeking or receiving services under the *Child and Family Services Act* of 2014 and the *Education Act* of 2014 (Office of the Provincial Advocate for Children and Youth, 2015). The Office is guided specifically by the principles of the CRC and has a strong commitment to youth participation. In 2007, the Legislature of Ontario established the Office of the Provincial Advocate for Children and Youth with the passage of Bill 165. Under Bill 165, the Advocate and staff have a responsibility to carry out their duties in accordance with the following principles:

Provide an independent voice for children and youth including First Nations children and youth and children with special needs by partnering with them to bring issues forward; encourage communication and understanding between children and families and those who provide them with services and educate children, youth and their caregivers regarding the rights of children and youth. (Office of the Provincial Advocate for Children and Youth, 2015, para. 1-5)

As with other Council members, Ontario's Advocate for Children and Youth does not have the power to act as legal counsel for young people (Office of the Provincial Advocate for Children and Youth, 2015). In addition, Mr. Elman does not have full investigatory powers to access information under his Office's mandate. For instance, in November 2014, the Toronto Star published the following:

Among the many children and youth Elman said he has been unable to help is a young man in a youth justice facility who called to say he was "kneaded and kicked in the face" by guards while he was cuffed and on the ground. When Elman called to find out what happened, he was told he had no right to review the incident report.

Likewise, Elman will be unable to investigate reports from children in mental

health facilities who say they are often put in restraints.

He reminded the committee [hearing submissions on the Wynne government's sweeping accountability law] that he is the only independent officer of the legislature – and the only child advocate in the country – without access to information or full investigatory powers. (Monsebraaten, 2014a, para. 9-11)

These barriers evidently prohibit Ontario's Advocate for Children and Youth from helping the young people who are brave enough to reach out for his help. Mr. Elman highlights the implications of this:

It takes a great deal of courage for a child as vulnerable as those in my mandate to speak up. [Those] children, who with great strength come forward, often alone and frightened, have a right to expect my Office has all the tools it needs to assist them. (Monsebraaten, 2014a, para. 12)

An analysis of the legislation guiding the Office reveals a strong demand to increase the power of Ontario's Advocate; specifically, to provide young people with a sense of hope in knowing that the Advocate may serve as a last resort to help conquer the feelings of hopelessness faced by many vulnerable groups of children and youth.

Within the Quebec Commission, the Child and Youth division operates under the Quebec *Charter of Rights and Freedoms* as well as the *Youth Protection Act* of 2015 and *Youth Criminal Justice Act* of 2002 (Quebec Youth Vice-President Commission on Human Rights and Youth Rights, 2015). Under this legislation, Quebec's Advocate has the power to educate the public on human rights, investigate discrimination and exploitation cases involving young people, and make recommendations to the government involving youth rights (Quebec Youth Vice-President Commission on Human Rights and Youth Rights, 2015). MacLean and Howe (2009) highlight that this Office is accountable to the National Assembly of Quebec with funding from the Ministry of Justice. In addition, the Quebec Commission is solely responsible for

submitting annual reports of their progress to the National Assembly. An interesting aspect of this Office's mission is related to academic research, in that they strive to "undertake and promote research and publications on fundamental rights and freedoms and on children's rights" (Quebec Youth Vice-President Commission on Human Rights and Youth Rights, 2015, para. 11). Unlike the other offices across Canada, a duty to research and publish in the field of children's rights is embedded into the Advocate's mission statement. Although this is outlined on the Office's website, the Advocate does not have a responsibility to fulfil this duty under the current legislation guiding the Office.

In Nova Scotia, the *Ombudsman Act* of 1989 – amended in 2004 – shapes the work and functions of the Office of the Ombudsman (Office of the Ombudsman, 2014). This *Act* outlines that the Office is primarily responsible for the formation of both the Youth and Senior Services division.

[The] office is not a stand alone body. The children's section is grouped with seniors and part of the larger ombudsman's office. The rationale for a stand alone body is that rights and interests of children are more likely to receive a higher public and political profile and less likely to be compromised when there is no competition for resources between children's interests and the interests of others.

The Nova Scotia Children's Advocacy Office does not do as much in terms of policy advocacy, systemic advocacy, raising public consciousness as do higher impact offices in other Provinces. (Reid & Feltmate, 2014, para. 13, 17)

In accordance with this, the Office is responsible for advocating for all members of the public with a specific focus on both seniors and youth (Office of the Ombudsman, 2014). Both divisions contribute to the annual reports submitted to the Legislative Assembly and funding is distributed sporadically by the legislature (MacLean & Howe, 2009). The Office focuses on investigating the concerns of young people, parents, and

professionals working in provincial and municipal service delivery systems (Office of the Ombudsman, 2014). The Ombudsman has a responsibility to listen to the voices of young people, particularly vulnerable groups of youth in correctional facilities and in residential care (Office of the Ombudsman, 2014). There is a possibility that a lack of resources and support may be put into helping children and youth in Nova Scotia. An increase in power and resources for Nova Scotia's Ombudsman could ultimately provide opportunities to focus solely on enhancing the well-being of children and youth in this province.

Much like the data utilized to under-go the discourse analysis, the data derived from the interviews also supported the theme of Legislation as a barrier and opportunity for the Advocates. Ms. Finlay explained in her interview how being an Officer of the Legislator granted her Office a great sense of power and enabled her to fulfill her mandate because certain duties fell within the framework of the legislation. In the same breadth, she explained how the legislation could be limiting towards her work as well:

Each province is responsible for advocating dependent on the legislation so there's provincial legislation around child welfare, some have some around children's mental health and special needs, children's rights legislation, but the national legislation like the criminal justice act, the divorce act, all those kinds of federal legislation – provincially, you can't influence – you have to have a national voice to be able to influence.

Similarly, Ms. Samler proclaimed:

You need to be sure your legislation supports you.

An analysis of the legislation guiding the Canadian Council of Child and Youth Advocates reveals an urgent need to appoint a federal Children's Commissioner in Canada, not only to help the Council members overcome the barriers they currently face but also to ensure the best interests of Canada's children and youth are met at the federal level. While the Council members have the ability to help young people at the provincial

and territorial level, a Commissioner would specifically help address issues that fall within federal jurisdictions.

## **CHAPTER FIVE: DISCUSSION**

### *Summary of the Study*

The aim of the present study was to critically analyze the experiences of both former and current members of the Canadian Council of Child and Youth Advocates by exploring their understanding and articulation of child and youth advocacy in Canada. Through this qualitative piece of research, my aim was to develop an understanding of the barriers and opportunities associated with their day-to-day roles by examining, specifically, their own views and insights concerning child and youth advocacy in Canada.

In line with the intent of this study, qualitative data was collected through in-depth semi-structured interviews and a discourse analysis of relevant policy, media, and legislation related to child and youth advocacy. It is important to note that various interpretations could quite possibly guide the results of the study; however, the sociology of childhood (Matthews, 2007; Mayall 2002; Moss & Petrie, 2002) served as the dominant lens through which conclusions were drawn from the data.

### **Discussion of Findings**

What is Child and Youth Advocacy?

Through an analysis of the interviews and discourse analyses, the data revealed that a main theme of the study involved defining what constitutes child and youth advocacy in Canada. The following sub-themes are unpacked to define what child and youth advocacy entails for former and current Council members.

### *Elevating the Voices of Young People*

A further analysis of this theme concluded that a main component of advocacy includes elevating the views and perspectives of young people themselves in order to inform the work of the Advocates in a way that reflects the lived experiences of children and youth. In this sense, young people are viewed as capable beings as their voices and views have the potential to help develop the remedies that are essential to better their own lives. As Ms. Finlay notes:

Children need their own voice – truly. Children and youth developmentally are different and have different levels and kinds of vulnerabilities so they need to have their own voice and shouldn't be subsumed under adult services and legislation.... There's lots of systemic issues we could think of as important, but if the young people don't think it's important – then it wasn't important.

Additionally, elevating the voices of young people further involves recognizing power imbalances and the fact that quite often, young people's voices are completely silenced. With this in mind, it is important that the Advocates do not speak on behalf of young people because this approach may quite possibly reinforce common acts of silencing. As a result, a cornerstone of advocacy is elevating the voices of children and youth which serves as a means to provide spaces for young people to share their views and opinions. This finding is in line with Kilkelly and Lundy's (2011) study which found that the most effective way to advocate for children's rights is to actually involve young people by

listening to their voices and taking their views into consideration. These scholars argue that elevating the voices of young people in different processes (specifically, in research) enables individuals to authentically understand the struggles young people face and how their rights have been violated (Kilkelly & Lundy, 2011). In turn, effective remedies can be developed that will actually target the problem in the most efficient manner.

### *Partnership*

In addition to elevating the voices of young people, advocacy also involves partnering with children and youth so that young people are viewed as equals within the various child service delivery systems.

In her interview, Ms. Finlay argued it is imperative that the Advocates partner with young people in order to address the issues they face in a way that includes their perspectives and insights. This finding is consistent with Moss and Petrie's (2002) perspective regarding the need to partner with young people to understand their views and value their capabilities. The authors state:

A child worth listening to and having a dialogue with and who has the courage to think and act by himself.... This child is seen as having power over his own learning processes and having the right to interpret the world. (p. 7)

These scholars highlight the importance of altering children's services to a point where they become equitable spaces for children (Moss & Petrie, 2002). In his interview, Mr. Elman explained how critical it is that the Advocates don't presume to speak for young people because this could be viewed as an oppressive approach that serves only to silence children and youth. He simply contends, "advocacy should do no harm." This suggests that while the Advocates conduct meaningful work that includes children and

youth, stress should be given to the actual involvement of young people in their work through partnership. Mr. Elman further elaborates on how difficult this can be:

There [are] different things and ways of involving young people depending on what it is you're considering, I get that. But, I say to my staff, I want you to always be thinking about it – I think that's taken here in my Office. We have never asked that question at all at Council, so anything we have done, nobody has ever said, should we get young people involved – no, never. Whenever it's kind of been asked, it was very difficult to steer in that direction.

Overall, this suggests that while it is important to elevate the voices of young people, many of the children and youth who reach out to the Advocates are quite vulnerable and do need to seek assistance from the Advocates. As such, advocacy requires a certain balance between adult and youth participation to form meaningful partnerships that work in conjunction to address different issues.

### *Rights-based Approach*

The Advocates stressed the importance of always keeping children's rights at the forefront of their work. In line with this, the Advocates refer to the CRC as a powerful tool that they used to advocate for the rights of young people. Although the Advocates make use of this treaty, many of them stress the importance of educating parents, teachers, professionals working with young people, and most importantly, children and youth themselves about the Convention to reiterate that much like adults, children too have a set of fundamental human rights. Ms. Finlay explains:

The UNCRC is there, but it doesn't have a profile. It needs to be made a public issue. Until families, and teachers and children make a big deal about it, then it will not come to the forefront.

Child and youth advocacy should be framed and structured by a rights-based approach, keeping in mind that young people have a fundamental set of human rights that often



remain unrecognized within many of the child-service delivery systems. With this in mind, when the Advocates conduct their day to day work, it is important that they use the CRC as a driving force and consider the main principles of the treaty as an effective means to provide equal opportunities to all children alike.

### *Change*

According to the participants, a crucial part of child and youth advocacy also involves change. In their interviews, all of the participants spoke about the importance of viewing young people as competent beings and said that a major part of their job is to help re-conceptualize the way young people are perceived. Specifically, many of the Advocates talked about the time they have spent working with young people to show case their competencies and capabilities by focusing on the issues that specific children and youth feel need to be addressed. Mr. Elman contends in his interview:

I think if you are going to do advocacy in the way I understand it, you have to centre advocacy not on the services but on the kids – the children, make it children centered advocacy – we are not advocating for services we are advocating for children, and that will mean you don't get to decide what the children want to talk about.

Mr. Elman continues in his interview to highlight that the issues his Office focuses on are typically selected by young people themselves. As a result, the initiatives, recommendations, and programs that stem from these partnerships, usually end up being the most successful because they are the things young people care about and can address effectively. These findings are also consistent with Moss and Petrie's (2002) who argue that 'children's services' should be transformed into 'children's spaces' where young

people are valued as competent beings, and their voices and views heard (p. 9) The authors contend:

Both concepts – ‘children’s services’ and ‘children’s spaces’ – can be applied to a wide range of institutions, including schools, nurseries and centres providing for school-age children outside school hours. What distinguishes these concepts are different understandings of children and the purposes of these institutions, from which other things flow: The two concepts produce different practices, different relationships, different ethics and different forms of evaluation. . . [Children’s spaces] are understood as more public places for children to live their childhoods, alongside the more private domain of the home. (p. 9)

Much like Moss and Petrie (2002), this research highlights that when children’s services are transformed to children’s spaces, positive changes are recognized, specifically, in the social domain as young people are viewed and treated like citizens who have rights and are valued for their contributions. These findings mimic the views and perspectives of many of the Advocates who explained their perspective on advocating with young people in order to strive for changes that lead to the re-conceptualization of children and youth as powerful beings. As such, child and youth advocacy is most successful and effective when it results in positive, social change that actually serves to benefit young people by meeting their needs.

### *Positive Lifestyle*

Additionally, a critical part of advocating for children and youth encompasses adopting a positive and optimistic perspective in an attempt to reach positive and influential results with and for young people. In line with this, the findings reveal that child and youth advocacy is not just a job, but a lifestyle that one adopts and applies to all domains of their lives – not just in their Offices. Ms. Samler contends:

I think celebrating things along the way is important too. Today they had the announcement on the Human Rights Tribunal and it’s very moving to know we established this.

Although many of the Advocates are quite successful in conducting and carrying out their work with young people, it is important to note that maintaining a positive perspective when things fall through, is an essential part of advocacy. While the Advocates occasionally endure difficult situations, at the end of the day it is crucial that they maintain a positive perspective so that the children and youth who reach out to their Offices' remain optimistic and continue to strive towards change. In the field of advocacy, it is apparent that adopting a negative attitude towards unsuccessful situations is limiting because it does not allow alternative opportunities to be recognized. As such, it is evident that advocacy is a lifestyle that requires a positive outlook in order to truly be successful in working with and helping young people achieve their goals.

Overall, the Advocates highlight the essential tactics and approaches involved when advocating for children and youth and simultaneously reveal the advantageous opportunities and resources that help them carry out this work.

What are the Opportunities Affecting Advocacy?

One theme that emerged consistently from the collected data was the idea that the Advocates positions foster various opportunities that help them carry out their work including: their independence as Officers of the Legislature, their relationships with other professionals and young people, as well as the media and researchers to foster public accountability through effective and informative tools.

#### *Independent Officers of the Legislature*

Many of the participants agreed that a position as an Independent Officer of the Legislature would act as a critical component in defining their work. Ms. Finlay explains

the importance of having an independent Office to lend a sense of authority and power to the Advocate's role:

From my perspective the only way to safeguard advocates from being targeted or undermined was to have its own independent legislation – so that was one of the biggest things that I did. Across the country you'll see that everybody has independent legislation – they are an Independent Officer of the Legislature. That took me a really long time to do because there was no appetite for it at all and I was only able to do it by using the political system to move it forward. It wasn't until I became independent that I felt empowered.

Such findings suggest that the Advocates do, in fact, require this sense of authority not only to help strengthen and legitimize their work with young people, but also to protect their personal safety from a range of political tensions. In addition, this degree of authority also resonates with young people who contact the Offices as they recognize the potential opportunities they may have to work with an empowered Advocate. In the same breadth, it seems as if the Advocates require this positional authority themselves to effectively advocate at the provincial or territorial level. While this may be the case, it is important that the Advocates do not abuse this power towards young people and work to ensure their relationship with them is complimentary.

Although a degree of independence at the provincial/territorial level is essential and helpful, many of the participants agreed that increased authority at the federal level is required to further advance and resolve difficult issues the Advocates face.

### *Relationships*

In addition to this, the Advocates agreed that relationships with other professionals and young people serve as key resources that help their Offices fulfill their mandates. Mr. Elman shared his perspective on the importance of being able to form relationships and how this could be used as a beneficial resource:

Well, you can't beat good people. I think that goes with any human service, the best resource is a person who is – in our realm – able to connect with young people, genuine and listening, critical thinking. That's one really important thing.

Throughout the interviews, all of the Advocates expressed the significance of having connections in the field. Specifically, participants spoke about the importance of using relationships with other stakeholders, levels of government, professionals engaged in the child service delivery systems and, most importantly, children and youth themselves, to help make things happen or guide decision-making. These findings speak about the importance of forming relationships with young people in an attempt to explore children's own lived experiences and understandings of the problems they have encountered. This finding is in line with Brady et al. (2015) who found that developing relationships with young people by talking to them and listening to their views, enabled them to understand their lived experiences in the health sector. Specifically, the authors argue that taking a sociological perspective to working with children and youth enables professionals to uncover the complexities among different childhoods and the way young people experience health and illness. Similarly, the formation of meaningful relationships between the Advocates and young people also serves to de-construct dominant power imbalances that seem to exist between adults and children and youth. Overall, these findings highlight that a simple strategy of forming relationships with children and youth can prove to be extremely beneficial working in the field of advocacy.

#### *Media and Public Accountability*

Additionally, the Advocates highlighted the engendering of a sense of public accountability through use of the media as an effective resource to achieve progress in their work. In his interview, Mr. Bernstein made reference to the importance of using the media in this way:

I engaged the media, and was prepared to respond in a credible way and that was something too – looking at advocacy. What was in my toolbox? I thought, I really want to reach the public to affect the public views of where children fit in. I wanted to shape views and I realized you can't be everywhere. So how do you really reach those people? You have to use the media as an advocacy tool as well.

Not only does the media serve as an effective tactic to attract public attention but this approach also helps to enlighten various populations about many of the child and youth related issues that seem to go unnoticed. As a result, different media sources tend to act as key outlets that spark various levels of moral panic amongst the public community.

With this in mind, the Advocates are presented with an opportunity to fortify their positions and work together with community members (including young people) to positively influence decision makers. An exploration of this tool highlights how important the media remains in acting as a means to attract public attention, spark moral panic, and ultimately, advocate for the best interests of young people.

### *Research and Academia*

Consistent with this, the participants also spoke about the importance of making use of research and academia not only to help inform their decisions, but also to help educate staff, families, and the young people with whom they engage. Various academic scholars have also recently drawn attention to the importance of involving young people in participatory action research to obtain accurate findings about children's lived experiences in variety of different sectors (see Kilkelly & Lundy, 2011; Thomas et al, 2010; Liegghio, Nelson & Evans, 2010). Similarly, it seems that young people often serve as the best sources of information to help inform the Advocates' work and as a result, many of the Offices' have developed initiatives to include children and youth in research projects. Additionally, research and academia also helps to fortify the Advocates work and can also inform them of the different remedies that have been used effectively

to address certain issues faced by young people and/or other advocates in the country.

Overall, it seems as if a research team within each of the Offices' would prove to enhance the role of the Advocate and could also provide young people with a means to voice their opinions and insights on the issues under study.

### *Children as Agents of Change*

Finally, the participants agreed unanimously that in general, children themselves provided some of the best opportunities to help progress the Advocates' work. Ms. Finlay contends:

Everything had to be informed by the child and the youth – we didn't pick a topic out of the air or newspaper or because it was the day to do that, we were also informed by young people and Ontario is still that way. There's lots of systematic issues we could think is important but if the young people don't think it was important – then it wasn't important. Its not always how people operate but that was the premise that everything was informed from the gecko from children and youth and that's how the Office is structured – that was the advocacy we were doing.

The participants spoke about children as some of the most powerful forces towards positive change and further explained that a large portion of their Offices' work would not be successful without the participation of young people. Moss and Petrie (2002) argue that viewing children as proactive agents opens up a democratic environment that fosters change through reciprocal relationships between adults and young people (p. 2). The authors explain the importance of re-conceptualizing children and childhood in a way that sets them up for opportunities and success, rather than reinforcing public provisions that focus on control and silencing:

It is about how public provisions for children are inextricably linked with how we understand childhood and our image of the child, which are taken to be contestable constructions produced in the social arena rather than essential truths revealed through science. It is about situating public provision for children within an analysis of a changing world and the implications of that world for such provision. But it is also about how this provision, through being a site for democratic and ethical practice involving critical thinking, might contribute to the political project of influencing the direction change takes—how children and their provisions may come to shape an uncertain future rather than being shaped for a predictable and predetermined future. (Moss & Petrie, 2002, p. 2)

Much like this view, many of the Advocates highlighted that advocacy was most effective when children and youth were at the center of it, informing their work. As a result, this study reveals that young people serve as essential components to the Council's work in the field of advocacy.

What are the Barriers Affecting Advocacy?

Although the Advocates discussed the different opportunities that help their work to progress, they also disclosed the different barriers they face as they try to fulfill their mandates. Specifically, the participants drew attention to the following barriers: time, funding, political considerations, resistance to youth voice, and their limited mandates guiding their Offices.

### *Time*

Many of the participants agreed that time itself was a limiting factor that plays a part in the work their Offices are able to carry out. Some of the Advocates agreed that time was a barrier due to the volume of issues that were presented to them and there was simply not enough time to focus on all of them. On the other hand, time was also seen as an issue for the Advocates because many of them were only appointed for a limited term



and, therefore, they did not hold the position long enough to see certain issues resolved.

Ms. Samler held the position for a shorter period of time than most (6 months vs 5 + years), and she highlights her concern regarding time:

My actual role on the council was limited – again, at the same time you don’t go in and take on major roles when your going to be leaving in six months but I found it fascinating and it was a learning experience for me. The hardest thing for me was the balance of staying out and back from things because I wouldn’t have the time and it wouldn’t make sense for me to get involved with such a short-term appointment.

In their interviews Ms. Finlay, Mr. Bernstein, and Mr. Elman explained that time also became an issue for their Offices’ because they simply didn’t have enough of it to address all that needed to be addressed. Although their Offices work diligently to help resolve a variety of issues, at the end of the day there is only so much that can be done as one Office that is responsible for advocating for an entire province and/or territory. In line with this, all of the Advocates agreed that even if they had developed detailed frameworks or plans aimed at changing negative situations for young people, the time it takes for these procedures to be implemented is excessive. These findings suggest that the Advocates could potentially use additional resources and help to address the many issues that are presented to their Offices. Following this, it is important that the Advocates do not under-estimate the capabilities of children and youth who come to their Offices’ as these individuals can potentially serve as meaningful resources.

### *Funding/Resources*

Many of the participants noted that when funding and resources are cut, not only does this affect the Offices but, more specifically, also the young people who desperately need the Advocates’ help. Ms. Finlay explains:

Funding has a lot to do with it because they can threaten to pull funding at all times; that's what happens with each Office. The government can pull funding to reduce [the Advocates'] voice – those kinds of things need to be considered.

As a result, it is important that the Advocates make use of the easily-accessible resources offered to their Offices' (for instance, research and academia). At the same time, the Advocates need to ensure they are using their funding in the most effective way possible. To start, taking the time to invite young people to the Offices' and listen to their suggestions has already proven to be transformational in Ontario with Mr. Elman's Office. This study also highlights that many of the issues that young people are presented with occur because of the traditional, negative discourses surrounding children and childhood. With this in mind, a paradigm shift to re-conceptualize the common misunderstandings of children would help to combat many of the other barriers the advocates experience. A paradigm shift would also serve to compensate for the lack of funding and resources administered to the Advocates Offices.

### *Political Considerations*

An additional barrier that seemed to obstruct many of the Advocates was politics. The participants all spoke about the need to be aware of the politics embedded in their work and their relationships, and how these could largely influence the operation and function of their Offices. Ms. Finlay explains:

You have to research enough and understand the lay of the land politically and otherwise, you have to be strategic and have your allies available and aligned with you and you have to have youth advising you every step of the way.... The barriers, to me, are resources or politics of the day – battles with politicians still goes on now. How much of a voice do they really have? I think they are patronized – it appears they have a voice when they really don't. It's when you move public opinion that you begin to have a voice.

The participants spoke about the importance of being alert and aware of the ways in which politics could negatively affect their work. Specifically, some of the Advocates disclosed that they would often hesitate before they took action in certain instances to ensure that their advocacy would serve to help young people, as opposed to hindering their current situations. An analysis of this barrier reveals that it would be advantageous for government official, parliamentarians, legislators, decisions makers, and young people themselves to congregate with the Advocates in an attempt to address major issues that seem to continuously occur. While the participants spoke about the different ways in which the reality of politics hinder their own work, they also shed light on the specific ways politics have both hindered and silenced the voices and views of children and youth. This finding in the data relates to the forthcoming theme mentioned by participants, which entails resistance to youth voice.

### *Resistance to Youth Voice*

While the participants agreed that politics were limiting on their own work as Advocates, they also eluded to the fact that certain political considerations were quite limiting upon the young people with whom they engage with as well. Similarly, these findings are consistent with Moss and Petrie's (2002) scholarship which explores the hidden political tensions that are embedded within policy documents surrounding children and youth. Sevenhuijsen (1999, p. 123) in Moss and Petrie (2002, p. 81) argues, "Policy texts are sites of power." The Advocates agreed that politics remain imbedded both interpersonally and institutionally. As a result, many of the Offices are unable to carry out the requests and recommendations put forth by young people. The current

research reinforces the idea that in today's 21<sup>st</sup> century, young people continue to be silenced and subsumed by various adults who do not consider or respect the rights of children and youth to be heard. In fact, the voices of young people are missing completely in various service delivery systems that are aimed at helping better the lives of children and youth. As such, it is extremely important that the Advocates partner with young people who have already experienced oppression and marginalization within these systems in an attempt to truly amplify their voices. Although many of the Advocates do listen to the children and youth that reach out to their Offices' and work with them to help solve any issues they are experiencing, this is not always the case with other decisions makers, civil-society stakeholders, government officials, and professionals engaged in the field.

### *Mandate*

The participants also disclosed how many of their mandates were interpreted as limiting and, therefore, could often act as barriers to their work. Mr. Richard summarized his outlook:

Having a mandate that allows [access to information] – I am aware that some child and youth advocates are limited to children in care. That was not the case in New Brunswick, it was a very, very, broad mandate – I think certainly one of the broadest in Canada. That would have been a hindrance if that would not have been the case – those are issues that I think affect all child and youth advocates either positively or negatively.

Findings from the current study ultimately reveal that a broad based mandate seems to be most advantageous for the Advocates Offices' because they do not place restrictions on the Council members work. Specifically, these types of mandates seem to provide more opportunities for young people as the Advocates are sometimes unable to address issue

that fall within the federal jurisdiction. In general, the data revealed the importance of investigation powers within the Offices' and how this type of power could ultimately serve to remedy additional issues such as poor service delivery. When the Advocates have the ability to investigate different cases, they are provided with first-hand insight and opportunities to develop effective solutions.

While the barriers listed in this study are not exhaustive, they still reveal the gaps in the current state of child and youth advocacy in Canada, with a specific focus on hindrances that affect some of the country's leading Advocates. A discourse analysis of the legislation guiding the Advocates Offices' revealed that these frameworks could either progress or hinder the Advocates work and as such, these pieces of legislation serve to provide both opportunities and barriers.

#### Legislation Guiding Canadian Council of Child and Youth Advocates

An analysis of the legislation guiding the Council Member's Offices' across Canada reveals that these Acts are useful because they enable the Advocates' to carry out their mandates. On the other hand, the Advocates are obligated to use the legislation as a guiding framework within their Office and as a result, certain topics or issues tend to fall through the cracks if they are not outlined within the Offices' respective legislation. In their interviews, some of the Advocates spoke about the legislation as a driving force that carried their mandate, but also agreed that if a child presented an issue that did not fall within the legislation, it was difficult to address these problems.

#### *A Barrier and an Opportunity*

In 2012, the Canadian Council of Child and Youth Advocates invited the vice-president of the United Nations Committee on the Rights of the Child – Marta Maurás of Chile – to review the current state of children’s rights in Canada (Canadian Council of Child and Youth Advocates, 2012). After analyzing Ontario, New Brunswick and Quebec in only four days, Ms. Maurás concluded that a failure to pass Bill C-420 – an Act to establish an Office of the Commissioner for Children and Young Persons in Canada has affected the current state of children’s rights. According to Ms. Maurás, Bill C-420 was “a good step forward to ensure that an independent body monitors the application of the Convention in a comprehensive way and that children have a complaints mechanism to resort to if their rights are violated” (Canadian Council of Child and Youth Advocates, 2012, para. 11). Similarly, members of the Canadian Council of Child and Youth Advocates have supported this proposed legislation as they can only do so much in their current role to help Canada’s most vulnerable children. According to Mary Ellen Turpel-Lafond:

Child advocates across Canada share a number of concerns, including the over-representation of Aboriginal children in care and the quality of services those children receive, child poverty rates, and the lack of consistency when it comes to youth mental health treatment. We are confident this visit will help further inform the UN on the status of Canada's implementation of the Convention on the Rights of the Child. (Canadian Council of Child and Youth Advocates, 2012, para 9)

MacLean and Howe (2009) note that the mandates of the provincial and territorial Child Advocates are noticeably different from one another, as a majority are Independent Officers of the Legislature in their respective jurisdictions and have statutory support to carry out their objectives. However, in an exhaustive three-year review of the CRC in Canada, the Standing Senate Committee on Human Rights, while acknowledging the

Advocate's Offices and the independence they strive towards provincially and territorially, also stated the importance of appointing a federal Children's Commissioner at the national level (Senate of Canada, 2007).

MacLean and Howe (2009) also argue that the Child and Youth Advocates face both intrapersonal and institutional barriers as they attempt to fulfill their legislated mandates and objectives, through the lack of formal statutory investigative powers with respect to young people. As an example, the Standing Senate Committee on Human Rights emphasized the role a Canadian Children's Commissioner could play in exploring and reporting the government's implementation of the CRC: "the Children's Commissioner should conduct ongoing examinations of federal legislation, services, and funding for programs affecting children and their rights" (Senate of Canada, 2007, p. 207). Although many of the Advocates promote children's rights through public education and strive to ensure the CRC is respected and implemented in the various child and youth service delivery systems, this failure to legislate the power to conduct systematic investigations into government policy, practice, and legislation is the main distinction with their counterparts in similar democratic states (Senate of Canada, 2007).

The former Ombudsman for New Brunswick, Bernard Richard, was responsible for combatting issues surrounding children's rights between 2004 and 2006 (Senate of Canada, 2005). Despite his position as New Brunswick's first Child and Youth Advocate, Richard highlighted the lack of knowledge and awareness surrounding the CRC in testimony to a Senate committee:

I would say rarely, if ever, and I was a member of the legislature for about 13 years. I do not know that I ever heard it mentioned in those years. Certainly we do not use it at our office. We do not refer to the Convention. We refer to our statutes and laws and rights, our *Charter of Rights* and the legislation here in New Brunswick. In my

view, it is not used at all and not considered specifically. (Senate of Canada, 2005, p. 66)

At the federal level, the CRC remains unrecognized. “In government, even among those dedicated to protecting children’s rights, knowledge of the Convention is spotty at best” (Senate of Canada, 2005, p. 5). As the field of child and youth advocacy continues to progress internationally, the profile of provincial Advocates grows while, at the same time, adding impetus for a national Children’s Commissioner to act as a liaison in monitoring and protecting young people’s human rights.

On November 25<sup>th</sup> 2014, Ontario’s Advocate Irwin Elman once again reported to the print and electronic media. Elman disclosed that the legislation guiding his Office gives him authority to investigate Children’s Aid Societies but also falls short in protecting Canada’s most vulnerable children and youth (Monsebraaten, 2014b). “All of the children and youth in (my) mandate are equally vulnerable . . . not just those who have been placed in the care of a Children’s Aid Society” (Monsebraaten, 2014b, para 2). Young people involved with youth justice, mental health, developmental services, children’s treatment centres, residential schools for the deaf, blind and severely disabled children, as well as First Nations’ children and those with special needs are currently excluded from this legislation. Mr. Elman explains: “The ability to require governments, service providers, institutions and public bodies to provide information is a critical component of the effective and independent discharge of the mandate of the provincial advocate” (Monsebraaten, 2014b, para. 6). Mr. Elman contends that his legislation does not enable him to help all children that reach out to him. As a remedy he suggests: “By granting these significant powers, the legislature will enable the provincial advocate to better protect children and youth and to hold institutions to account” (Monsebraaten,



2014b, para. 7). Across Canada other Council members experience similar struggles.

Manitoba's Child and Youth Advocate, Ms. Darlene MacDonald, also reveals the barriers her Office faces when protecting and promoting the best interests of children.

MacDonald contends: "The Office of the Children's Advocate has always battled against the limits of weak legislation, while promoting the critical role of children's advocacy in the complex and expansive child-welfare system" (MacDonald, 2015, para 1).

Manitoba's Advocate further highlights the restraints placed on her Office:

My staff commonly encounters obstacles when investigations reach beyond child welfare, such as barriers to accessing information from other sectors (e.g. health, justice, education), which can result in an incomplete picture of the child's circumstances. As a result of the weak mandate, external systems can resist formal recommendations from my office, even when investigations reveal legitimate concerns.

Requests for advocacy services received by the OCA where there is no child-welfare involvement must be denied and referred elsewhere. This can leave vulnerable children and youth who require knowledgeable advocates in areas such as health, justice and education without adequate support. (MacDonald, 2015, para. 4, 6)

An analysis of the legislation guiding the Advocates Offices' highlights that while the legislation grants the Advocates a sense of empowerment at the provincial or territorial level, they may also be limiting towards issues that fall within federal jurisdictions. In addition to this, the data reveals that none of the Advocates have the power to address the topic of education as this area is not embedded into any of the Offices' legislation.

#### On the Need for a Federal Children's Commissioner

One dominant theme that emerged from the collected data was the idea that a federal children's Commissioner should be appointed to represent Canada. Specifically, the Advocates mentioned that a Commissioner could help address the following issues:

provincial and territorial Advocates are conducting “patchwork”, a provincial and federal protocol is needed to establish the Commissioner’s role, and a Commissioner can potentially help to provide the federal power that is needed to reach beyond provincial jurisdictions.

*Provincial and Territorial Advocates Conduct “Patchwork”*

After discussing the various opportunities and barriers associated with their work, many of the participants continued to talk about the importance of appointing a federal Children’s Commissioner in Canada. The rationale for appointing a Commissioner addresses the remedying of the patchwork reality that is always one of the tensions inherent in a federation where there are multiple, often competing, jurisdictions. Specifically, it is evident that the Council lacks a national, comprehensive standard for their work across different areas of the country. As a result, the Offices are run quite differently from each other, which is why some participants referred to their work as patchwork. Ms. Samler elaborates:

I think if we had a Commissioner it would be different but there would be a framework, so everybody would have certain things and a different system in different provinces.

As the provincial and territorial Offices’ differ largely based on their mandates, legislation guiding their Offices, and services available with and for young people, it seems that it would be advantageous to establish a comprehensive framework for both provincial/territorial Advocates and the federal Commissioner. Such a remedy would help to reach beyond provincial and territorial levels to an overarching federal level to ensure that no group of young people falls through the cracks. Overall, the appointment of a Children’s Commissioner could help to address the different barriers the Advocates

face and could also help address issues where young people seem to go unnoticed.

### *Provincial and Federal Protocol Needed*

In their interviews, many of the participants agreed that it would be beneficial to develop and establish a comprehensive framework for the provincial and territorial Advocates' positions across Canada. While many spoke about the differences between each of the Offices, it is clear that a cohesive framework would be advantageous in bringing all of the Advocates together on the same page. One recommendation involved appointing Council members for one, non-renewable term of at least seven to 10 years in order to develop a sense of consistency and to enable that candidate to fulfill their expectations in an efficient amount of time. Following this, the findings also highlight the potential of bringing in a new Member after this time frame in order to introduce new and refreshing ideas and initiatives to working with young people. To provide a sense of clarity, there should also be a cohesive set of standards that apply to all Council members. A recommendation such as this would be beneficial for young people who move across the country into a different provincial or territorial jurisdiction, as this would establish a sense of consistency for these children. One approach to developing this cohesive protocol would be to gather all the Council members together to discuss what seems to work positively for each Office and analyze different tactics that could be implemented across the Council. In an attempt to augment this protocol, it would be useful to firstly develop the role of the Children's Commissioner, which would then help to determine a comprehensive set of standards for the Council members. Along with the role of the Commissioner, an overview of the Office's function would further aim to clarify and strengthen the Council members work. Overall, the development of these

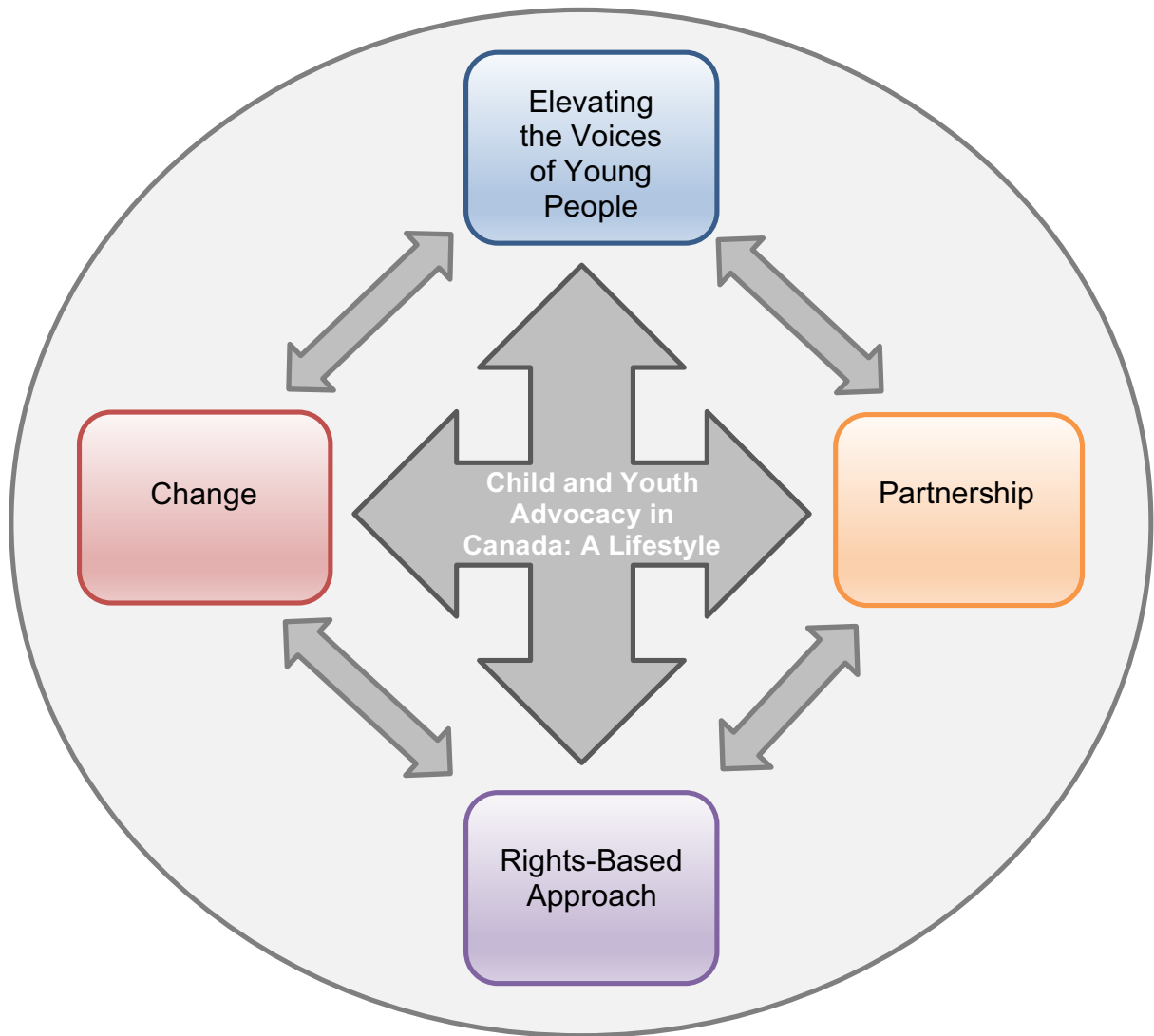
protocols should also include the voices and views of young people in order to involve the perspectives and recommendations children and youth can offer on the issues that affect their everyday lives.

### *Federal Power Needed to Reach Beyond Provincial Jurisdiction*

In their interviews, many of the Advocates shared their concern about their inability to address federal domains (for instance, Aboriginal youth issues and youth justice matters). Following this, certain participants disclosed that they could not help certain young people who have sought out their help due to the fact that their mandate and/or legislation only cover provincial or territorial jurisdictions. These findings are important because they reveal a gap within the Advocates role. Through first-hand experience, the Advocates spoke about their frustration towards jurisdictional limitations and agreed that it was a substantial issue that could be addressed if a Commissioner were to be appointed. As the different levels of government share jurisdictional accountability for children in this country, the federal government holds the most power across the various departments involving young people. Many of the issues that are brought to the Advocates attention are relevant to the policies and programs that fall within the federal jurisdiction which directly affect children and youth. Ironically, however, their voices and perspectives are seemingly silent within this democratic system of governance which is supposed to promote participation and meaningful decision making opportunities.

Although existing reports outline hopeful promises for young people with the appointment of a Commissioner, with the benefit of their experience, the Advocates reiterate the importance of turning such optimistic intentions into concrete realities.

The following figure provides a visual representation of the main themes that were derived from the collected interview data, and discourse analysis of relevant policy texts, legislation and media pieces, after under-going the application of Creswell (2013) and Wolcott's (1994) thematic derivation procedure.



*Figure 1. An articulation of Child and Youth Advocacy in Canada*

#### *Implications of the Study*

The findings of this study confirm the complex and intricate aspects that are involved in advocating with and for children and youth in Canada. It highlights the opportunities that are involved in this process while also shedding light on the barriers that seem to hinder the work of provincial and territorial Child and Youth Advocates.

Bearing this in mind, it argues that a federal Commissioner for Canada's children and youth should be appointed to work together with the existing Council members. The following section offers a number of promising next steps, both theoretical and practical, that can enhance the progress of child and youth advocacy in Canada.

One theoretical implication involves deviating away from the discourse of children as beings in the process of becoming and blank slates in the process of potentially contributing to society (Moss & Petrie, 2002, pp. 58-60) toward a view of children in a different light. Moss and Petrie highlight an alternative perspective on young people:

Fellow citizens with rights, participating members of the social groups in which they find themselves, agents of their own lives but also interdependent with others, co-constructors of knowledge, identity and culture rather than who they will become. (p. 106)

While evidently, many of the participants do view children and youth this way, it would be beneficial to have youth engagement and partnership imbedded into all of the Offices across Canada to truly hear the voices and views of young people and learn from their lived experiences.

Additionally, it would be advantageous to enlighten the entire country about the complex aspects of child and youth advocacy. While many professionals may argue that advocating for children and youth is a job, the participants in this study highlight a reconceptualization of child and youth advocacy in Canada as they view it as much more. This study reveals an advocacy that is a lifestyle that involves a positive and optimistic outlook that is a rights-based approach to everyday life, elevating the voices of young people, one that serves to strive towards change. British Columbia's Ministry of Children

and Family Development (2011, p. 1) mentions the majority of these aspects in their recommendations offering tips for successful advocacy.

Many practical implications also arise from this study. To start, the study suggests that the Advocates should communicate on a regular basis or meet periodically to share the opportunities and barriers that either help progress or hinder their work with and for children and youth. As a result, Council members can learn from one another's experiences and adopt new strategies that support progress, while attempting to avoid the barriers that have heretofore held them back. Although the various Offices are structured quite differently, as each is guided by a different mandate and legislation, there should be a comprehensive framework that unites all of the Offices to help produce a sense of uniformity across the country.

Following along from this, the present study highlights the need to appoint a federal Children's Commissioner in Canada. To start with, the role of the Commissioner needs to be legislated with a comprehensive forward-looking approach. In order to do so, Council members should liaise with politicians, civil servants, decision makers, legislators, parliamentarians, and other professionals engaged in the various child service delivery systems as well as, most importantly, young people themselves, in order to hammer out the details and technicalities of this individual's role. Additionally, all of these stakeholders can re-evaluate the Council's role to establish how it will work together with the potential Children's Commissioner. The honourable Landon Pearson's report entitled "A Commissioner for Canada's Children" (Pearson & Kraft Sloan, 2001) serves as an excellent starting point for these members to begin such work. Further, these interested parties can refer to the Standing Senate Committee's (Senate of Canada, 2005,



2007) reports to further develop their ideas. Additional documents such as the reports of the United Nations Committee on the Rights of the Child (1995, 2003, 2012) also serve as effective tools. As one example, a recommendation from one of these reports (2012) is in line with this study's findings by highlighting the following:

The Committee recommends that the State party take the necessary measures to establish a federal Children's Ombudsman in full accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), to ensure comprehensive and systematic monitoring of all children's rights at the federal level. Furthermore, the Committee encourages the State party to raise awareness among children concerning the existing children's Ombudsman in their respective provinces and territories. Drawing attention to its General Comment No. 2 (CRC/GC/2, 2002), the Committee also calls upon the State party to ensure that this national mechanism be provided with the necessary human, technical and financial resources in order to secure its independence and efficacy. (p. 5)

### *Strengths of the Study*

The qualitative and inductive nature of the study served as a main strength for the current project. Although ample research in Canada exists on the rights of children and youth (Howe & Covell, 2007; Mitchell, 2005, 2010, 2015; Moore & Mitchell, 2009; Senate of Canada, 2007), relatively little attention has been paid to the growing role and responsibilities of domestic Child and Youth Advocates (United Nations Committee on the Rights of the Child, 2003, 2012). Given this relative anonymity, providing Council members with an opportunity to share their insights and experiences about their day-to-day work and the opportunities and barriers they face, ultimately provides a stronger understanding of the positioning of child and youth advocacy in Canada. In the same breath, the qualitative approach that was adopted served to fill the knowledge gap in this area of study and has revealed potential remedies to strengthen the role of the members of

the Canadian Council of Child and Youth Advocates, which will also serve to amplify the voices of the children who reach out to their Offices.

Additionally, my relationship with Ontario's Provincial Advocate for Children and Youth (who also serves as President of the Council) enabled me to recruit the remainder of participants for this study. According to Creswell (2013), sometimes in ethnographic research "access may require finding one or more individuals in the group who will allow the researcher in—a *gatekeeper* or *key informants*" (p. 71). Due to Mr. Elman's connections and position on the Council, he was able to aid in recruitment by providing contact information and assuring participants of the importance of the study.

#### *Limitations of the Study*

As only five participants agreed to participate in the study, the sample size of this project was relatively small. Consequently, the results of the study cannot be generalized to another sample or culture-sharing group. Notwithstanding this limitation, the point of the research was to explore the Council and not to generalize findings and apply them to other groups of child and youth advocates. Considering the Council is comprised of 11 members, and was established only within the last ten years, it would be difficult to recruit a large sample size as each Advocate is responsible for one province or territory across Canada. Additionally, the role of each member is quite unique and is shaped by the different mandates, pieces of legislation, and policies of each specific jurisdiction and, thus, there was no way to compare or replicate the position of each Advocate vis-à-vis the others. Another limitation of this study was that none of the Advocates who were interviewed could represent or provide insight into child and youth advocacy in the western or northern parts of Canada because the majority of participants had worked in

the Prairies, central Canada, or eastern Canada.

Although the aim of the study was to understand the role of Council members and to garner their interpretations of child and youth advocacy in Canada, it would have been advantageous to include children and youth themselves in order to understand how the Council's work had influenced their lives. Due to the strict ethical considerations involved in obtaining clearance from Brock University's Research Ethics Boards and the rigorous timelines of the study, the option to include young people was not possible for this particular study. With this in mind, the research aimed to understand how the Advocates illuminate the voices of children and youth, and it is critical to acknowledge that although they hold powerful positions associated with high levels of authority, many of the Advocates carry out their duties wholeheartedly with the voices of children and youth at the forefront of their work, guiding their practice.

Finally, the researcher acknowledges that all of the data collected has been analyzed solely based on the researcher's own personal interpretation and synthesis of the information. It is important, therefore, to acknowledge state that although one of the main purposes of critical ethnography is to empower the culture-sharing group by providing them with an avenue to share their experiences, the researcher must also be aware of the control they hold in their position. Madison (2005) explains: "Critical ethnographers must explicitly consider how their own acts of studying and representing people and situations are acts of domination even as critical ethnographers reveal the same in what they study" (p. 7). Accordingly, the researcher has taken careful steps to analyze the data critically and purposefully to reproduce an accurate understanding of the lived experiences of the culture-sharing group.

### *Directions for Future Research*

Five main suggestions surfaced from this study as directions for future research. First, in line with the confines of the study, five current and former members of the Canadian Council of Child and Youth Advocates were recruited to participate in individual interviews. Future studies may wish to include a larger sample to gain a broader understanding of child and youth advocacy across Canada. Specifically, the majority of the sample included former Council members and, as such, future studies may wish to incorporate members who currently sit on the Council as the mandates, legislation and objectives of the Offices may have changed or continue to change over time. While the intent of the study was to explore how the Advocates understand and articulate child and youth advocacy, along with the opportunities and barriers they face in their work, the sample size was believed to be sufficient and feasible as these understandings were augmented with current policy, legislation and media pieces related to the Advocates work.

A second recommendation concerns focus groups. Although individual, semi-structured in-depth interviews were conducted, it would have been advantageous to conduct a focus group with the current Council members in order to understand how they express their experiences in a group setting amongst their peers. While the researcher attempted to implement this study design, time constraints mitigated against additional Council members participating.

Third, future implementation of participant observations within the different Advocates' Offices would help researchers understand how (and if) certain Offices interact with young people and work with them to authentically listen to the views and

perspectives of these individuals in a more effective manner than the others. As the intent of the study was to understand the lived experiences of the Advocates, this method would have been advantageous to uncovering the day-to-day working of the Council as a majority of their time is spent interacting with various members to help improve conditions for young people. Although the researcher attempted to incorporate this method into the design of the study, Brock University's Research Ethics Board declined this request.

Fourth, as a way to authentically partner with young people and understand their experiences with their respective provincial or territorial Advocate, it would be beneficial to involve children and youth in the study in order to explore the day-to-day interactive work more deeply. Considering the time restraints of the current study and the ethics process involved, this was not possible.

Finally, future research could usefully explore child and youth advocacy both domestically and internationally. In this manner, research should compare the statutory duties of members of Canadian Council of Child and Youth Advocates in comparison to similar positions internationally. Following this, such scholarship should also aim to understand how their duties contribute to or detract from the implementation of the CRC domestically. Finally, future research could also address how effective practices of child and youth advocacy are being established, researched and disseminated among the growing international group of Child Advocates and Children's Commissioners.

## **CHAPTER SEVEN: CONCLUSION**

By employing a critical ethnography approach, one that involved interviews and a discourse analysis, the current study examined former and current members of the

Canadian Council of Child and Youth Advocates. Specifically, this project investigated their understanding and articulation of child and youth advocacy in Canada along with the barriers and opportunities they experience in their day-to-day work.

Four former members and one current member (who also serves as the President) were recruited from various areas across Canada. The present study examined their stories and experiences, as well as the policies, legislation, and media that surround their practice, to gain an in-depth look into Canada's child and youth advocacy arena. Results indicated that in the absence of a federal Children's Commissioner in Canada, the Council members serve as the leaders of child and youth advocacy in the country. With this in mind, they recognize and acknowledge that child and youth advocacy is a complex phenomenon and often amounts to an all-consuming lifestyle. Results further highlight both the resources that help to propel their work forward, but also the barriers that obstruct their work. Moreover, the findings strongly recommend the need to appoint a federal Children's Commissioner in an attempt to strengthen the Council members' roles and advance the cause of child and youth advocacy in Canada.

Based upon the paucity of knowledge both within Canada and beyond regarding Child and Youth Advocates, this research makes a significant contribution to policy, practice, and the growing discourse relative to these rights-based, statutory posts emerging in so many countries around the globe. Specifically, this study provides policy makers, and all concerned stakeholders with essential knowledge that expands the limited systematic literature in this field. Findings from the study are relevant to young people, parents and professionals involved in the various child service delivery systems the Advocates are responsible for overseeing. Furthermore, this study sheds new light on the

growing opportunities for professional advancement in the emerging field of child and youth advocacy in Canada and internationally. This information will be vital for understanding how services can be improved to best serve vulnerable groups of youth.

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## Appendix A – Brock University Research Ethics Board Approval

DATE: 4/20/2015

PRINCIPAL INVESTIGATOR: MITCHELL, Richard - Child and Youth Studies

FILE: 14-191 - MITCHELL

TYPE: Masters Thesis/Project STUDENT: Daniella Bendo

SUPERVISOR: Richard Mitchell

TITLE: The Role of Canada's Child and Youth Advocates: A Social Constructionist Approach

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### ETHICS CLEARANCE GRANTED

Type of Clearance: NEW

Expiry Date: 4/29/2016

The Brock University Social Science Research Ethics Board has reviewed the above named research proposal and considers the procedures, as described by the applicant, to conform to the U and the Tri-Council Policy Statement. Clearance granted from 4/20/2015 to 4/29/2016.

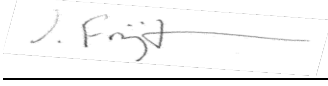
The Tri-Council Policy Statement requires that ongoing research be monitored by, at a minimum, an annual report. Should your project extend beyond the expiry date, you are required to submit a Renewal form before 4/29/2016. Continued clearance is contingent on timely submission of reports.

To comply with the Tri-Council Policy Statement, you must also submit a final report upon completion of your project. All report forms can be found on the Research Ethics web page at <http://www.brocku.ca/research/policies-and-forms/research-forms>.

In addition, throughout your research, you must report promptly to the REB:

- a) Changes increasing the risk to the participant(s) and/or affecting significantly the conduct of the study;
- b) All adverse and/or unanticipated experiences or events that may have real or potential unfavourable implications for participants;
- c) New information that may adversely affect the safety of the participants or the conduct of the study;
- d) Any changes in your source of funding or new funding to a previously unfunded project.

We wish you success with your research.

Approved: 

Jan Frijters, Chair  
Social Science Research Ethics Board

**Note:** Brock University is accountable for the research carried out in its own jurisdiction or under its auspices and may refuse certain research even though the REB has found it ethically acceptable.

If research participants are in the care of a health facility, at a school, or other institution or community organization, it is the responsibility of the Principal Investigator to ensure that the ethical guidelines and clearance of those facilities or institutions are obtained and filed with the REB prior to the initiation of research at that site.

## **Appendix B – Letter of Invitation**

**Date:** April, 2015

**Title of Study:** *The Role of Canada's Child and Youth Advocates: A Social Constructionist Approach*

Principal Student Investigator: Daniella Bendo, Master of Arts Candidate, Department of Child and Youth Studies, Brock University

Principal Investigator: Dr. Richard C. Mitchell, Associate Professor, Department of Child and Youth Studies, Brock University

I, Daniella Bendo, invite you to participate in the research project entitled above.

The purpose of this research project is to study the working lives of current and former members of the Canadian Council of Child and Youth Advocates. Although research exists on the rights of marginalized youth, relatively little attention has been paid to the growing importance of Canadian Child and Youth Advocates since such scholarship is currently limited in Canada (Senate of Canada, 2007). The study will explore how Advocates articulate and understand their roles, and the opportunities and barriers associated with their professional services. The investigation is qualitative, descriptive, and exploratory and the Principal Student Investigator – Ms. Daniella Bendo - is utilizing ethnographic procedures (involves collecting insight into the lives of the participants to understand the phenomenon under study) to collect and analyze documentary and interview data that will help shed light on participants' understanding and application of any shared principles of child and youth advocacy. The implementation of the U.N. Convention on the Rights of the Child (UNCRC, 1989) in 193 nations over the past 25 years has led to an understanding of children as citizens with fundamental rights (Mitchell & Moore, 2012; Thomas, et al., 2010), and by ratifying the UNCRC in 1991 Canada made a commitment to protect these rights. Despite these obligations, repeated studies show that a large majority of young people lack basic knowledge of the treaty (Howe & Covell, 2005; Mitchell, 2005). In the absence of a federal Children's Commissioner, the mandates of provincial, territorial and local Child and Youth Advocates have evolved primarily to protect and promote children's rights (Thomas, et al., 2010).

The Principal Student Investigator will be conducting a total of 5-7 interviews (1 interview per each participant), and interviewees will engage in an open-ended, audio-recorded interview ranging in length from 60 to 90 minutes at a location of their choice. When complete, the investigation will contribute essential knowledge for post-secondary students and educators, along with adding to a significant and growing international academic discourse on these important public officials. To schedule an interview, or if you have any pertinent questions about your rights as a research participant, please contact the Brock University Research Ethics Officer (905 688-5550 ext 3035, [reb@brocku.ca](mailto:reb@brocku.ca)), the Principal Student Investigator Ms. Daniella Bendo ([db10tv@brocku.ca](mailto:db10tv@brocku.ca)), or the Principal Investigator Dr. Richard C. Mitchell ([rmitchell@brocku.ca](mailto:rmitchell@brocku.ca), 905-688-5550, ext. 5085).

Thank you in advance for your consideration.

Principal Student Investigator/Principal Investigator:  
Daniella Bendo, Department of Child and Youth Studies  
Richard C. Mitchell, Department of Child and Youth Studies  
Brock University

**This study has been reviewed and received clearance through Brock University's Research Ethics Board [REB File #14-191 MITCHELL]**

## Appendix C – Informed Consent Form

Date: April, 2015

Research Title: The Role of Canada's Child and Youth Advocates: A Social Constructionist Approach

Principal Student Investigator: Daniella Bendo  
Master of Arts Candidate, Department of Child and  
Youth Studies  
[db10tv@brocku.ca](mailto:db10tv@brocku.ca)

Principal Investigator: Dr. Richard C. Mitchell,  
Associate Professor, Department of Child and  
Youth Studies, Brock University (905) 688-5550  
Ext. 5085  
[rmitchell@brocku.ca](mailto:rmitchell@brocku.ca)

### CONSENT FORM

I agree to participate in this study described above and *to have my name/position title associated with my comments* in any written accounts. I have made this decision based on the information I have read in the Information-Consent Letter. I have had the opportunity to receive any additional details I wanted about the study and understand that I may ask questions in the future. I understand that I may withdraw this consent at any time.

Name: \_\_\_\_\_

Signature of Participant: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Researcher: \_\_\_\_\_ Date: \_\_\_\_\_

I agree to participate in this study described above and *to have my comments/position title remain confidential*. I have made this decision based on the information I have read in the Information-Consent Letter. I have had the opportunity to receive any additional details I wanted about the study and understand that I may ask questions in the future. I understand that I may withdraw this consent at any time.

Name: \_\_\_\_\_

Signature of Participant: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Researcher: \_\_\_\_\_ Date: \_\_\_\_\_

## **Appendix D - Interview Guide**

### **The Role of Canada's Child and Youth Advocates: A Social Constructionist Approach**

1. Please describe how you would define 'child and youth advocacy' in the Canadian context.
2. Please describe your former role as a member of the Canadian Council of Child and Youth Advocates.
3. Please describe your perspective on the importance of a Children's Commissioner in Canada and how your role would have changed if one were to be appointed.
4. How did your work unfold and what were the major influences that helped progress or hinder putting policy into practice? Were the influences defensible?
5. What resources were most beneficial to your work in the field of advocacy?
6. Please describe how your position as a Child and Youth Advocate empowered you in a way that allowed you to speak up and freely acknowledge areas (government)/organizations in society that need(ed) to do more for children?
7. Was fear of career termination a thought that interfered with the resources and relationships involved in your role?
8. Do you think Canada can learn from other countries that are 'ahead' in the child and youth advocacy arena? If so, what do you think puts these countries so far ahead? Is there a gap that we need to fill in this field?
9. What group of children and youth would you identify in Canada as the most vulnerable? How have you helped these groups in your role and what types of barriers have hindered you from helping them?
10. How was your role different from other Advocates Offices' across Canada?
11. Do you have any further comments you would like to share regarding your role as an Advocate or the current state of child and youth advocacy in Canada/abroad?

## **Appendix E - Letter of Appreciation**

April, 2015

Dear Participant;

Thank you for your recent participation in the research project entitled “The Role of Canada’s Child and Youth Advocates: A Social Constructionist Approach” with Master of Arts Candidate Ms. Daniella Bendo and Dr. Richard C. Mitchell of the Child and Youth Studies Department, Brock University.

Your participation in this study has been essential to provide students and educators at all levels, policy makers and other concerned stakeholders with fundamental knowledge regarding the growing importance of Child and Youth Advocates across Canada. Feedback about the use of the data generated through in-person and telephone interviews and documentary analysis, or requests for accurate transcribed interview results will be available after March, 2017 from Ms. Bendo or Dr. Mitchell. However, if before this time you have any further questions about the study, please do not hesitate to contact us at the coordinates below. If you have any questions about your rights as a research participant, you are encouraged to contact the Brock University Research ethics Officer (905-688-5550, ext. 3085; [reb@brocku.ca](mailto:reb@brocku.ca)).

Once again, we wish to offer a sincere thank you for your willingness to participate in this important research.

Daniella Bendo

Daniella Bendo, Master of Arts Candidate  
Email contact: [db10tv@brocku.ca](mailto:db10tv@brocku.ca)

Richard C. Mitchell

Richard C. Mitchell, Associate Professor Telephone: 905-688-5550, ext 5085 FAX: 905-641-2509 Email contact: [rmitchell@brocku.ca](mailto:rmitchell@brocku.ca)

*This study has been reviewed and received ethics clearance through Brock University’s Research Ethics Board [REB File #14-191 MITCHELL]. Please keep a copy of the Consent Form, Letter of Invitation and Letter of Appreciation for your own personal records.*

*This research was supported by the Social Sciences and Humanities Research Council of Canada.*